

# CITY OF WINOOSKI, VERMONT

## UNIFIED LAND USE & DEVELOPMENT REGULATIONS

August 7, 2017

DRAFT APPROVED BY PLANNING COMMISSION – JANUARY 14, 2016

RECEIVED BY CITY COUNCIL: JANUARY 19, 2016

AMENDED: MAY 20, 2016

AMENDED BY PLANNING COMMISSION: APRIL 27, 2017

RECEIVED BY CITY COUNCIL: JUNE 19, 2017

AMENDED: JULY 17, 2017

EFFECTIVE: AUGUST 7, 2017

Prepared for the Winooski City Council and the Residents of Winooski, VT

By the Winooski Planning Commission

## Amendment History:

- Section 7.400 Affordable Senior Housing District [1990]
- Section 5.200 Central Business Transitional District, C-3 [1993]
- Interim Land Development Regulation for Downtown Core District [2002, 2004]
- Downtown Core District, DCD [2005]
- Interim Land Development Regulation for the C-2 General Commercial District [2003, 2009]
- Inundation Hazard Area Regulation [2010]
- Interim Land Development Regulation to Change Minimum Off-Street Parking Schedule in the Downtown Core District [2011]
- Amendments & Revisions pursuant to 24 V.S.A. §4412 and 4413 [2012]
- Section 8.404 b Changes, Non-Conforming Uses and Non-Conforming Structures [2012]
- Re-zoned East Allen, Mallets Bay and Main St as the Gateway Districts using Form Based Code, and re-organized and updated the entire Zoning Regulations into a Unified Land Use & Development Regulations with the exception of the Downtown Core District [2016]
- Amendments & Revisions pursuant to 24 V.S.A. §4412 and 4413 [2017]
  - “Other” category added to use table (Section 2.4)
  - Delete Section 4.4 D. and references to Vermont Division of Historic Preservation from Section 4.4 E.1.
  - Add Nonconforming Right of Way or Drive to Section 4.9
  - Amend Bonus Story provisions in Form Based Code Section 402.F.

City of Winooski  
Unified Land Use & Development Regulation

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Appendix B	Gateway Districts Form Based Code Regulations
Appendix C	Downtown Core Regulations

Figures 1 – 9 were developed by Site Concern Inc., Landscape Architects + Planners for the City of Winooski in 1993. Funded by a Planning Grant from Vermont Department of Housing & Community Affairs.

Appendix B Gateway Districts Form Based Code Regulations were developed by Ferrell Madden with Dreher Design Associates, Inc. and Urban Advantage in 2015. Funded through a grant from the Federal Highway Administration (FHA), and administered by the Chittenden County Regional Planning Commission, and City of Winooski match.

## ARTICLE I – AUTHORITY & PURPOSE

### SECTION 1.1 ENACTMENT

A. In accordance with the Vermont Planning and Development Act (24 VSA Chapter 117), hereinafter referred to as “the Act,” there is hereby established a unified bylaw to govern land use and development in the City of Winooski, VT. This bylaw shall be known as the “Unified Land Use and Development Regulations”, referred to herein as “the Regulations”.

B. This bylaw replaces and supersedes the following previously enacted municipal bylaws:

- Winooski Zoning Ordinance and Official Zoning Map, enacted December 28, 1981 as amended through January 30, 2012
- Winooski Subdivision, enacted October 21, 1985
- Site Planning Guidelines, enacted 1993

The above-referenced bylaws are repealed as of the effective date of the Winooski Unified Land Use and Development Regulations.

### SECTION 1.2 PURPOSE

A. The purposes of these regulations are to:

1. Conform to and implement the Winooski Municipal Development Plan as most recently adopted, and to further state planning goals under the Act [§ 4302][statutory references are to Title 24 of Vermont Statutes Annotated, unless otherwise indicated].
2. Protect and provide for the public health, safety, and general welfare of the City of Winooski.
3. Protect the public health and safety by the reduction of noise, air, and water pollution, and other noxious physical influences; and secure safety from fire, explosions, floods and other hazards.
4. Create an optimum urban environment by encouraging a rational pattern of development and the most appropriate use of land, minimizing the adverse impact of one land use on another, protect access to adequate light and air, and by conserving and enhancing important natural areas, urban open space, historic and cultural resources.
5. Provide adequate access to public ways that will be safe and convenient.
6. Facilitate the adequate and efficient provision of transportation for pedestrian, bicycle, and vehicular traffic, water, sewer, schools and other public facilities and services.

### SECTION 1.3 APPLICATION & INTERPRETATION

A. These regulations, and their administration and enforcement, are subject to all provisions of the Act as may be amended from time to time.

B. No land subdivision or development shall commence in the City of Winooski except in conformance with these regulations. Land subdivision or development not specifically authorized under these regulations, unless exempted under the Act, is prohibited.

C. These regulations are not intended to repeal, annul, or in any way impair any previously issued permit or approval. All land subdivisions, uses, and structures legally in existence as of the effective date of these regulations are

allowed to continue. Changes or alterations to pre-existing subdivisions, structures, or uses must meet all applicable requirements of these regulations, including requirements for nonconforming lots, uses and structures.

D. Where these regulations impose a greater restriction on the use of land or a structure than is required by any other statute, ordinance, rule, or regulation, these regulations shall apply.

F. Additional municipal, state or federal permits may be required beyond those identified in these regulations. It is the applicant's responsibility to secure all required municipal, state and federal permits prior to commencing land subdivision and development.

## SECTION 1.4 BYLAW AMENDMENTS

A. These regulations, including the official zoning map, may be amended or repealed only in accordance with the Act [§ 4441, § 4442 and § 4444].

B. Proposed changes to these regulations or the zoning map shall be submitted in writing to the Winooski Planning Commission for consideration, as required under the Act [§ 4441].

## SECTION 1.5 SEVERABILITY

A. The provisions of these regulations are severable. If any provision of these regulations, or its application by the City, is held invalid by a court of jurisdiction, this shall not affect the validity or application of other provisions in these regulations.

## ARTICLE II - ZONING DISTRICTS

### SECTION 2.1 ZONING MAP

The official zoning map, 'City of Winooski Zoning Map' is hereby adopted as part of these Regulations and is on file with the City Clerk. The Zoning Map shall be amended in accordance with the Act [§ 4441, § 4442 and § 4444]. Any uncertainty as to the location of a district, overlay, or flood hazard area boundary line on the zoning map shall be determined by the Zoning Administrator (ZA) with rights of appeal to the Development Review Board (DRB).

### SECTION 2.2 LIST OF ZONING DISTRICTS

The 'City of Winooski Zoning Map, 201x' and these Regulations divide the City into the following districts:

- A. Residential A, 'R-A' (formally referred to as R-1-A)
- B. Residential B, 'R-B' (formally referred to as R-1-B)
- C. Residential C, 'R-C' (formally referred to as R-2)
- D. Central Business District, 'C-1'
- E. General Commercial, 'C-2'
- F. Downtown Core, 'DC'
- G. Gateway, 'G'
- H. Industrial, 'I'
- I. Public, 'P'
- J. Flood Hazard Area, 'FHA'

### SECTION 2.3 APPLICABILITY

- A. Development of lots may only be permissible based on the uses and dimensional criteria defined in this Article, and in accordance with the review procedures defined in this regulation and all applicable local, state and federal ordinances and regulations.
- B. All lots created after the effective date of these regulations that are intended for development must meet minimum applicable frontage requirements along public road rights-of-way, and area and yard dimensional requirements for the district(s) in which they are located unless modified or waived by the DRB for planned unit development under **Section 6.3**, or under **Section 6.8**.
- C. For the Gateway Districts, no lot intended for development shall be so reduced that development cannot be established in accordance with the Building Form Standards in **Part 4** of Appendix B of these regulations.
- D. Any USE not specifically permitted or prohibited in this Ordinance may be considered as a Conditional Use by the DRB and reviewed in accordance with **Section 6.7** of these regulations.

SECTION 2.4 LAND USE TABLE

LAND USE	Residential A R-A <sup>2</sup>	Residential B R-B <sup>2</sup>	Residential C R-C <sup>3</sup>	Central Business District C-1	General Commercial C-2	Downtown Core DC	Gateway Urban General & Storefront <sup>1</sup>	Gateway Townhouse Small Apt/ Detached Residential <sup>1</sup>	Industrial I	Public P
Residential Uses										
Single Family Dwelling	P	P	P				See Part 4 of the Form- Based Code			
Accessory Dwelling Unit	P	P	P							
Two Family Dwelling (attached)		P	P		CU					
Detached Cottage	CU	CU	CU							
Multi-family (3+ units)				P <sup>4</sup>	CU	P				
Assisted Living & Residential Care Homes				P	CU	P	P	P		
Bed-and-breakfast (B&B)		CU	CU	P	CU	P	P	P		
Family Child Care Home	P	P	P	P	P	P	P	P		
Group Home	P/CU <sup>5</sup>	P/CU <sup>5</sup>	P/CU <sup>5</sup>	P/CU <sup>5</sup>	P/CU <sup>5</sup>	P/CU <sup>5</sup>	P/CU <sup>5</sup>	P/CU <sup>5</sup>		
Home Occupation	P	P	P	P	P	P	P	P		
Commercial Uses										
Adult establishment									CU	
Alcohol Manufacturing Facility				CU	CU	CU	P		P	
Animal Care & Boarding									P	
Bar				CU		CU	P			
Brew Pub				CU	CU	CU	P		CU	
Industry				CU	P				P	
Laboratory				CU					P	
Lodging establishment				P	CU	P	P			
Office				P	P	P	P		CU	
Personal Service establishment				P	P	P	P			
Retail sales				P	P	P	P		CU	
Retail sales, Neighborhood commercial		CU	CU					P		
Recreation & entertainment, commercial				P	CU	P	P		CU	
Restaurant				P	P	P	P			
Restaurant, café	CU	CU	CU					CU	CU	

Restaurant with drive-thru							P			
Vehicle Repair & Sales				CU			P		P	
Civic & Public Uses										
Association, fraternal organization, social club				P	CU	P	P		P	
Crematorium							P		P	
Cultural facility				P	CU	P	P			P
Daycare facility				P	CU	P	P		P	P
Education facility				P	CU	P	P	P	P	P
Funeral home				P	P	P	P			
Healthcare facility				P	CU	P	P			
Recreation & entertainment, non-commercial	P	P	P	P	CU	P	P	P	CU	P
Religious facility	P	P	P	P	P	P	P	P	P	
OTHER										
Accessory Structure (6)	CU	CU	CU	CU	CU	CU	CU	CU	CU	
Accessory Use (6)	CU	CU	CU	CU	CU	CU	CU	CU	CU	

Notes:

1. Some of the FBC permitted uses are subject to specific Development and Performance Standards in **Section 804** of the code in Appendix B.
2. Maximum dwelling units per lot in R-A and R-B shall be 2 total dwelling units no matter how it is configured in the allowable use types as listed above (i.e. Two Family Dwelling in R-B only, Single Family Dwelling and Accessory Dwelling, or Single Family Dwelling and Detached Cottage).
3. Maximum dwelling units per lot in R-C shall be 3 total dwelling units no matter how it is configured (i.e. Two Family Dwelling and a Detached Cottage, or Single Family Dwelling and Accessory Dwelling and Detached Cottage).
4. Maximum density for Multi-family housing in C1 is 60 units/acre.
5. If a group home locates within 1,000' of another group home it shall be subject to Conditional Use review and approval.
6. Accessory Use shall be limited to "uses" or structures such as administrative offices or services that relate to the "primary" use of the site/parcel and shall be operated (solely) by the property owner or owner representative for the purpose of providing services to the site.

## SECTION 2.5 DIMENSIONAL REQUIREMENTS TABLE

		R-A	R-B	R-C	Central Business District C-1	General Commercial C-2	Downtown Core DC	Gateway Districts	Industrial I	Public P
Parcel	<b>Lot Size</b> (Minimum Square Feet)	10,000	7,500	7,500	3,000	7,500	NA	See Appendix B	20,000	NA
	<b>Frontage</b> (Minimum Feet)	75	75	75	50	75	NA		100	NA
	<b>Lot Depth</b> (Minimum Feet)	100	100	60	60	60	NA		60	NA
	<b>Lot Coverage</b> (Maximum %)	40	50	50	100 <sup>1</sup>	80	NA		70	50
Primary Structure	<b>Front Setback</b> (Minimum Feet)	20	10	10	0	0	NA		10	10
	<b>Rear Setback</b> (Minimum Feet)	15	15	15	0	0	NA		10	15
	<b>Side Setback</b> (Minimum Feet)	15	10	10	0	0	NA		10	10
	<b>Building Height</b> (Maximum Feet)	35	35	35	60	35	See Appendix C		35	35
Accessory Structure	<b>Front Setback</b> (Minimum Feet)	10	10	10	NA	NA	NA			10
	<b>Rear Setback</b> (Minimum Feet)	5	5	5	NA	NA	NA			5
	<b>Side Setback</b> (Minimum Feet)	5	5	5	NA	NA	NA			5
	<b>Building Height</b> (Maximum Feet)	35	35	35	NA	NA	See Appendix C			35

1. Conditional upon attainment of all necessary State and City stormwater management approvals.



#### SECTION 2.6 RESIDENTIAL A, 'R-A'

- A. Purpose. The purpose of the Residential A district is to accommodate a safe, livable, and pedestrian friendly residential neighborhood with low density development and an inviting streetscape.
- B. Permitted and Conditional Uses – See [Table 2.4](#).
- C. Dimensional Standards – See [Table 2.5](#).

#### SECTION 2.7 RESIDENTIAL B, 'R-B'

- A. Purpose. The purpose of the Residential B district is to accommodate a safe, livable, and pedestrian friendly residential neighborhood with moderately higher density development than R-A and an inviting streetscape.
- B. Permitted and Conditional Uses – See [Table 2.4](#).
- C. Dimensional Standards – See [Table 2.5](#).

#### SECTION 2.8 RESIDENTIAL C, "R-C"

- A. Purpose. The purpose of the Residential C district is to accommodate safe, livable, and pedestrian friendly single and multi-unit residential housing neighborhoods. Infill development will be balanced with privacy of surrounding homes, preservation of neighborhood character and safe housing conditions. R-C serves as a transition to higher density and non-residential districts.
- B. Permitted and Conditional Uses – See [Table 2.4](#).
- C. Dimensional Standards – See [Table 2.5](#).

#### SECTION 2.9 CENTRAL BUSINESS DISTRICT, "C-1"

- A. Purpose. The regulations associated with this district are intended to encourage, retain, and protect commercial, business, and high density housing land uses which are compatible with historic sites and pedestrian activity.
- B. Permitted and Conditional Uses – See [Table 2.4](#).
- C. Dimensional Standards – See [Table 2.5](#).

#### SECTION 2.10 GENERAL COMMERCIAL, "C-2"

- A. Purpose. The regulations associated with this district are intended to encourage, retain and protect a variety of general business and service activities.

B. Permitted and Conditional Uses – See Table 2.4.

C. Dimensional Standards – See Table 2.5.

#### SECTION 2.11 DOWNTOWN CORE, “DC”

A. Purpose. The Downtown Core District is composed of the core of the City’s downtown and has been the subject of a Master Plan which has been developed by the City over many years after extensive public input and hearings. The Master Plan was approved by the DRB, the City Council and by the State of Vermont District Environmental Commission under “Act 250” in 2001. The regulations associated with this district are intended to protect the public health, safety and welfare and to provide for orderly physical and economic growth by allowing and encouraging high density, mixed use land development within the downtown core.

B. Permitted and Conditional Uses – See Table 2.4 and Appendix C.

C. Dimensional Standards – See Table 2.5 and Appendix C.

D. Development Review and Standards. The Master Plan permits a range of uses within pre-approved vertical and horizontal building envelopes as shown on the Building Height and Location Map. Approval of the exterior design details must be submitted by the applicant, with the City as a co-applicant, and must be approved by the District Environmental Commission under Act 250 as complying with the approved Master Plan. Therefore, all development proposed in this District is subject to review and conformance with Appendix C of these Regulations.

#### SECTION 2.12 GATEWAY DISTRICTS

A. Purpose. The purpose the Gateway Districts is to create a walkable, mixed-use development dependent on three factors: density, diversity of uses, and design. Development and redevelopment of the Gateway Districts are intended to follow the vision identified in the Winooski Public Design Workshop Vision Plan and the Municipal Development Plan for these areas. The development regulations are established in the Winooski Gateways Form Based Code (“the Code”) found in Appendix B of these Regulations. The Code places greatest emphasis on design, or physical form, because of its importance in defining neighborhood and corridor character. The Code shall be applied to new, infill development, and redevelopment within the Gateway Districts both in order to achieve the vision set forth and to provide a mechanism for implementing the following specific goals, using both public and private sector investment:

1. Capitalize on public investment in existing infrastructure
2. Stabilize and strengthen mixed-use commercial areas and residential neighborhoods
3. Create a pedestrian-friendly and multi-modal district
4. Promote, create, and expand housing options
5. Ensure a complementary relationship between the Corridors and the surrounding neighborhoods

B. Permitted and Conditional Uses – See Table 2.4 and Appendix B.

- C. Dimensional Standards – See [Appendix B](#).
- D. Development Review and Standards. The Gateway Districts are regulated by the Form Based Code in [Appendix B](#). Therefore, all development proposed in this District is subject to review and conformance with [Appendix B](#) of these Regulations, unless specified otherwise in throughout these Regulations.

#### SECTION 2.13 INDUSTRIAL, “I”

- A. Purpose. The regulations associated with this district are intended to encourage, retain, protect, and provide for wholesale and warehousing activities, manufacturing and commercial activities compatible to abutting residential districts.
- B. Permitted and Conditional Uses – See [Table 2.5](#).
- C. Dimensional Standards – See [Table 2.6](#).

#### SECTION 2.14 PUBLIC, “P”

- A. Purpose. The purpose of the Public District is to retain these lands for public use, public utility, natural resource management, and conservation. The Public District encompasses Landry Park, Gilbrook Natural Area, and the Winooski School District.
- B. Permitted and Conditional Uses – See [Table 2.5](#).
- C. Dimensional Standards – See [Table 2.6](#).

#### SECTION 2.15 FLOOD HAZARD AREA, “FHA”

- A. Purpose. The Flood Hazard Area District is intended to protect the Special Flood Hazard Area and Floodway as defined in Appendix A of this Regulation. More detail on the purpose of this district is included in [Appendix A](#).
- B. Permitted and Conditional Uses – See Section V. Summary Table: Development Review in Hazard Areas of [Appendix A](#).
- C. Dimensional Standards – See [Appendix A](#).
- D. Development Review and Standards. The Flood Hazard Areas are regulated by the Inundation Hazard Area Regulations in [Appendix A](#). Therefore, all development proposed in this District is subject to review and conformance with [Appendix A](#) of these Regulations.

## ARTICLE IV - GENERAL USE REGULATIONS

### SECTION 4.1 ABANDONMENT, STABILIZATION & DEMOLITION

- A. No zoning permit shall be required for the stabilization of damaged structures to prevent hazards to public health or safety, or to adjoining properties, structures or uses; nor for the timely repair or reconstruction of damaged structures to the extent of their prior condition and use. Rebuilding that results in changes in density, dimension or use under applicable provisions of these regulations shall require a zoning permit. If rebuilding a nonconforming structure, see [Section 4.9.D](#) of these regulations.
- B. Within 6 months after the abandonment of a permanent or temporary structure that has been demolished, destroyed, or substantially damaged, or upon the expiration of a zoning permit for a structure not substantially completed, the owner shall either:
1. Apply for a zoning permit under [Section 6.10](#) of these regulations to resume repair, reconstruction or construction, thus confirming the intent not to abandon the structure; or
  2. Remove all improvements and materials from the site, restore the site to a normal grade and establish ground cover sufficient to prevent erosion.
- C. The demolition of structures listed on the National or State Registers of Historic Places shall be prohibited unless prior approval is received from the Vermont Division for Historic Preservation or a letter from a qualified Historic Preservation consultant documents that the historical significance has been compromised and is no longer relevant.

### SECTION 4.2 ACCESS, DRIVEWAYS, ROADS AND CIRCULATION

- A. **Intent.** Access and circulation elements of a site must be unencumbered to create a safe entry free of hazards. Circulation areas should be designed to ensure ease of mobility, ample clearance, and safety. Pedestrian circulation areas must be convenient to use. Suitable landscaping and drainage shall be installed to enhance the utility and function of parking and circulation, minimize the amount of impervious cover and shall be used to manage stormwater onsite.
- B. **Applicability.** This section shall apply to all Zoning Districts with the exception of the Gateways Districts.
- C. **Frontage.** No land development may be permitted on lots that do not have frontage on a public road or public waters. For lots that have access on both a public road and public waters, only the access on a public road shall be considered for the frontage required under this ordinance. Rights of way for new public roads shall be 60 feet in width, however this may be reduced to 40 feet in width with approval from the Winooski City Engineer and DRB.
- D. **Access.** Access onto public roads is subject to approval by the City of Winooski or, in the case of state highways, approval by the Vermont Agency of Transportation. Access permits shall be obtained prior to the issuance of a zoning permit. In the event approval by the DRB is required for the development, the access permit shall be obtained after DRB approval. In addition, the following provisions shall apply:
1. No lot may be served by more than 1 curb cut in residential districts, and up to two curb cuts in other districts, by approval from the DRB provided that:
    - a. The additional access is deemed necessary to ensure vehicular and pedestrian safety;
    - b. The additional access will improve vehicular and pedestrian safety and result in a traffic circulation and parking arrangement within the site that better achieves the purposes of these regulations than would be possible with a single access;

- c. The lot(s) is occupied by a mixed-used development and the additional access would result in better traffic circulation and safety than a single access; or
  - d. The strict compliance with this provision would, due to the presence of one or more physical features (e.g., rivers and streams, steep slopes, wetlands), result in a less desirable site layout and design than would be possible with the allowance of an additional access;
  - e. The additional access would facilitate emergency vehicle access, as determined by the Winooski Fire Marshall or ZA.
2. Where a property occupies a corner of two intersecting roads, access shall be on the less traveled road. This provision may be waived by the DRB only if the applicant can demonstrate that access on the more heavily traveled road would be safer.
  3. Access to properties located along state highways may be limited to secondary roads or a common drive. In the event that a common drive is planned (i.e., identified in the Winooski Municipal Development Plan, or any adopted Official Map and/or Capital Budget), but is not yet constructed, temporary access may be permitted upon approval from the DRB. In granting temporary access, the DRB may place appropriate conditions that the access be relocated within a reasonable time after construction of the common drive.
  4. In appropriate instances, including the presence of compatible adjacent uses, areas characterized by heavy traffic, congestion and frequent and/or unsafe turning movements, or lots having direct access to state highways, the DRB may require provision for shared access between adjoining properties. Construction of shared access may be required at the time of project development if similar provision has been made on contiguous parcels, or may be required at a later time contingent upon future development of neighboring properties.
  5. Applicants for a zoning permit for any lot with more than one access shall eliminate or combine accesses in order to meet the provisions of this section, unless otherwise approved by the ZA or DRB.
  6. Subdivision of a parcel after the effective date of these regulations shall not create a right to construct more than one access unless otherwise approved by the DRB.
  7. In the case of excessively wide pre-existing driveways or uncontrolled access that extends along most of a property's frontage, the DRB shall require the reduction in access width as a condition of approval, unless the applicant can demonstrate that such reduction would place an undue burden on the continued operation of a pre-existing land use.
  8. Access shall be established approximately perpendicular to the street.
  9. Access shall be available for fire, ambulance, and police vehicles within 100 feet of the principal entrance to dwellings, commercial, or industrial establishments and institutions, or as required by an authority having jurisdiction.
  10. Existing structures which do not meet these standards because of pre-existing site conditions may be required to make improvements necessary to bring the property into greater compliance with the provisions of this section as a condition of approval in accordance with the provisions of **Article VI**.

**E. Residential Driveways.** New driveways serving not more than 3 dwellings shall meet the following standards:

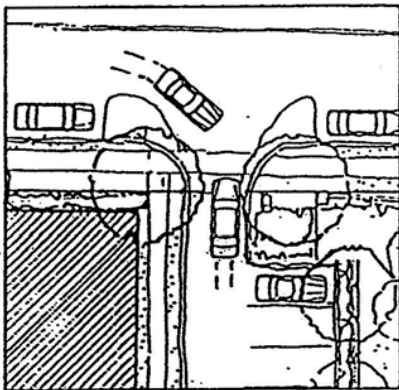
1. Driveways shall be constructed to **City of Winooski Public Works Standards and Specifications, Section 5.6.2**.
2. Driveways shall be set back a minimum of 5 feet from adjoining property lines unless providing shared access to contiguous properties.
3. Encroachment for Existing Residential Driveways. For purposes of allowing existing, developed, nonconforming lots containing single family homes to create a driveway and provide a maximum of two side by side parking spaces from the street, driveways may encroach into the required 5 foot setback up to 4 feet from the property line with ZA approval, and additional encroachment with DRB approval.
  - a. Such approval shall be based on demonstrated necessity on the part of the property owner as well as unique physical circumstances of the lot, and conditional use criteria and findings that there shall be no undue adverse

impact on all of the following items of concern: drainage, safety, protection of neighboring side yard, light and air.

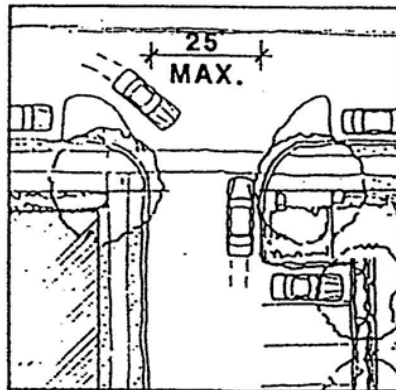
- b. The maximum relief from the 5 foot minimum setback shall be the minimum necessary for the purposes of creating such a driveway and parking spaces and shall be allowed only after a finding that driveway and parking configuration cannot be otherwise located on the lot.
- c. With such approval, the lot shall not be considered nonconforming due to the decreased setback for the creation of the driveway and parking spaces.
- d. Under no circumstances shall parking spaces be allowed within the front setback of the Zoning District.

F. **Multi-Family and Non-Residential Driveways.** New driveways serving more than 3 residential dwellings units, non-residential lot(s) and parking garages shall meet the following standards:

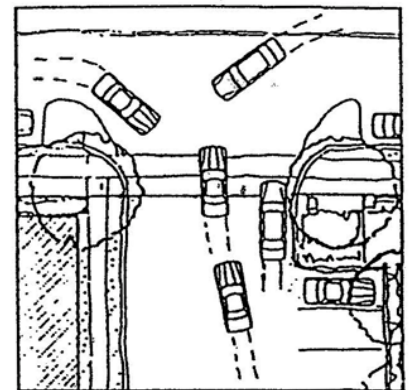
- 1. Driveways shall be constructed to **City of Winooski Public Works Standards and Specifications, Section 5.6.2** unless otherwise approved by the DRB.
- 2. Excessively wide curb cuts shall not be permitted as they lack definition and direction, cause erratic maneuvers and increase the number and angle of conflict points between vehicles. See Figure 1 – Access Drive Width:



■ **ENTRY TOO NARROW  
CONFLICTS POSSIBLE**



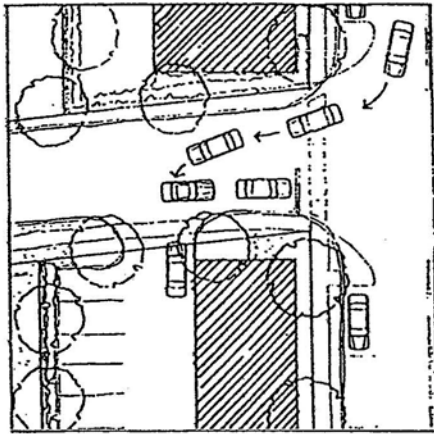
■ **ADDITIONAL WIDTH  
AVOIDS CONFLICTS**



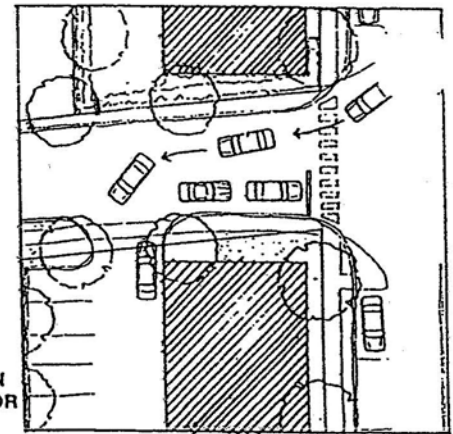
■ **EXCESSIVE WIDTH  
CONFLICTS POSSIBLE**

- 3. Locate access points so as to neither obstruct the free flow of traffic on public streets nor from the site. Provide adequate separation between intersections and access drives for adequate stacking space, ease of mobility, and vehicle and pedestrian safety. See Figure 2 – Corner Clearance and Figure 3 – Intersection Stacking Space:

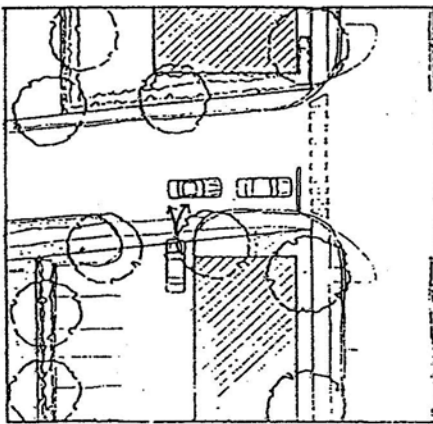




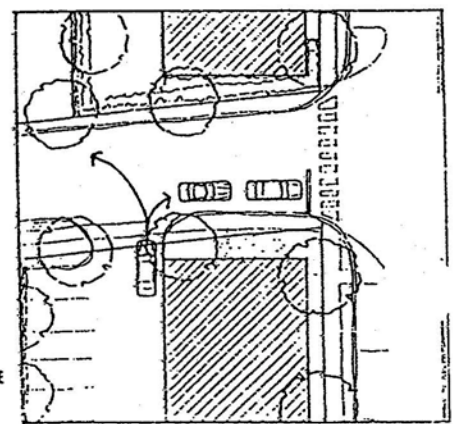
**UNDESIRABLE**  
ACCESS DRIVE ONTO MINOR STREET IS TOO CLOSE TO THE MAJOR STREET



**DESIRABLE**  
2- CAR STACKING DISTANCE ON MINOR STREET BETWEEN MAJOR STREET AND ACCESS DRIVE



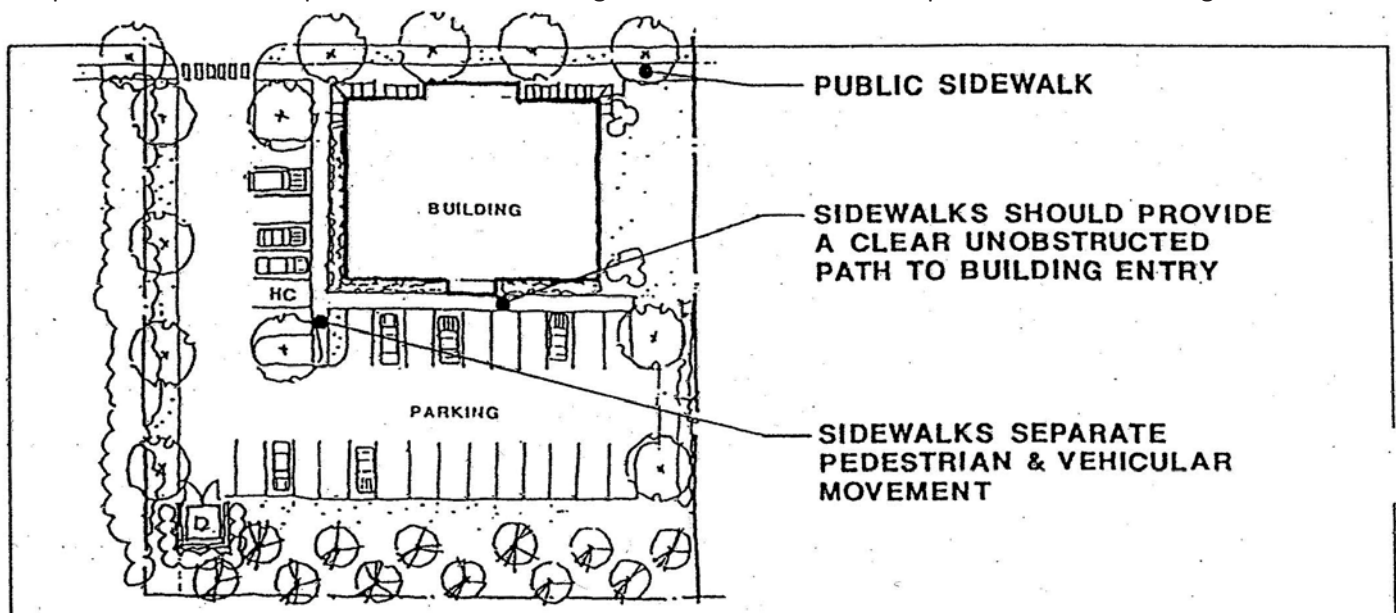
**UNDESIRABLE**  
ACCESS DRIVE BLOCKED



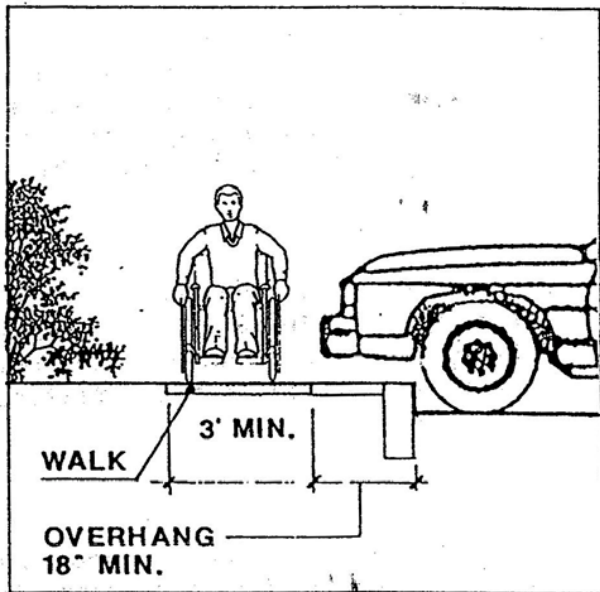
**DESIRABLE**  
2- CAR STACKING DISTANCE FROM ACCESS DRIVE TO MAIN STREET

4. Driveways shall be set back a minimum of 25 feet from adjoining property lines unless providing shared access to contiguous properties.

G. **Pedestrian Circulation.** Sidewalks shall be provided between site circulation drives, parking areas, and buildings to separate vehicular and pedestrian traffic. See Figure 4 – Sidewalks as a Component of the Site Design:



1. Increase walkway width when parking stalls directly abut a sidewalk to accommodate vehicle overhangs and reduce conflicts. See Figure 5 – Avoid Conflicts – Provide Adequate Walkway Width in Parking Areas:



**PARKING ABUTTING A SIDE WALK**

2. Alternative paving materials shall be used to designate walkway areas and building entrances, and add visual interest and sense of pedestrian scale to sites. Alternatives to asphalt include, but are not limited to, textured and exposed aggregate concrete, paver blocks, and bricks.
- H. **Evaluation of Traffic Impacts.** The DRB may require an evaluation, and mitigation as needed, of traffic on existing roadways.
1. A traffic impact analysis, prepared by a qualified transportation professional, using commonly accepted transportation standards (e.g., Vermont Agency of Transportation, Institute of Transportation Engineers), shall be used to identify trip generation rates and to evaluate traffic impacts, for any project that generates 75 or more peak hour trips, or as otherwise deemed necessary by the DRB to address existing or proposed site, road and traffic conditions. The study shall include directional distributions, levels of service, design considerations and capacity determinations, and recommend appropriate traffic mitigation measures (including transportation demand management strategies) and road improvements.
  2. Proposed development shall incorporate planned highway improvements, including planned right-of-way improvements or realignments, in site design and traffic analyses.

#### SECTION 4.3 CONVERSION OR CHANGE OF USE

- A. The conversion or change in use of land or structures to another use is subject to the provisions of these regulations as follows:
1. The proposed use shall be subject to all the requirements of these regulations pertaining to such use, as well as any other applicable municipal, state or federal regulations currently in effect.
  2. A conversion or change of use from one permitted use to another permitted use, or from a conditional use to a permitted use, may require a Site Plan approval from the DRB or ZA under **Article VI** of these regulations and requires a zoning permit issued by the ZA under **Article VI** of these regulations.
  3. A conversion or change of use from a permitted to a conditional use, or from a conditional use to another conditional use, requires conditional use approval from the DRB under **Article VI**, and may require site plan



approval from the DRB under **Article VI**, followed by a zoning permit issued by the ZA under **Article VI** of these regulations.

#### SECTION 4.4 DESIGN REVIEW

A. **Intent.** The intent of these Design Review standards is to protect, preserve, develop and use Winooski's historic, cultural, architectural and natural resources to stimulate a more meaningful environment for its citizens and the region; to maintain the architectural and historical integrity of existing buildings or features; and to ensure the compatibility of new construction or usage to adjacent properties.

B. **Applicability.** This section is applicable in all Zoning Districts in the City with the exception of the Downtown Core, and any residential use of three or fewer units. This section is applicable to any alterations or improvements to structures within the Gateway Districts that fall under the thresholds for conformance with the Form Based Code as defined in **Section 209: Non-Conformities of Appendix B**. The following types of development are subject to these standards:

1. Demolition of a building;
2. Movement of a building;
3. Any new construction of a structure subject to view from a public street;
4. Exterior remodeling or renovation of an existing structure;
5. Change in existing walls and fences, or construction of new walls and fences along the public right-of-way;
6. Change in exterior color or material;
7. Exterior lighting;
8. Exterior signage.

C. **Standards for Review.** Development subject to design review will be subject to the following standards:

1. Height. The height of a proposed building and its visual compatibility with adjacent buildings;
2. Setback. The building setback of new or remodeled construction in relationship to that of existing structures;
3. Rhythm. The relationship of solids to voids in the front facades of a building;
4. Proportion of Building's Front FACADE. The relationship of the width of building to the height of the front elevation;
5. Relationship of Materials, Texture, and Color. The compatibility of these facets of a building with the predominant materials used in the buildings to which it is visually related;
6. Scale of a Building. The size of a building and the mass of a building in relation to open spaces, windows, door openings, porches and balconies;
7. Proportion of Openings within the Building. The relationship of the width of the windows to the height of the windows;
8. Roof Shapes. The compatibility of the roof shape of a building with the buildings to which it is visually related;
9. Grading and Planting. Grade changes and landscape plantings incorporated so as to enhance the existing scale and character of the site, and their relationship to adjacent areas;
10. Open Space. Open space designed as to add to the visual amenities of the area.

**D. Historic & Cultural Resources.** Adaptive reuse is intended to allow for the continued, economically viable use of historic structures that have outlived their original purpose but contribute to the historic, architectural and/or cultural fabric of the community. Accordingly, an alternative use may be allowed within the current dimensions of a historic structure, subject to the above general design review standards, conditional use review under **Section 6.7**, and any recommendations from **Section 4.4.D** above. In addition:

1. Methods shall be used to avoid undue adverse impacts on the National or State Registers of Historic Places and those listed in the Municipal Development Plan as Local Historic and Architecturally Significant Buildings. The demolition of structures listed on the National or State Registers of Historic Places shall be prohibited unless a letter from a qualified Historic Preservation consultant documents that the historical significance has been compromised and is no longer relevant.
2. Methods shall be used to minimize undue adverse impacts to the historic and cultural resources listed on the Vermont Historic Sites and Structures Survey for the City of Winooski and still considered eligible for listing on the National or State Register of Historic Places according to the Vermont Division of Historic Preservation.

#### SECTION 4.5 EQUAL TREATMENT OF HOUSING

- A. These regulations shall not have the effect of excluding the following from the City of Winooski:
1. Mobile homes, modular housing, or other forms of prefabricated housing, except upon the same terms and conditions as conventional housing is excluded.
  2. Housing necessary to meet the needs of the population, as identified in the housing element section of the Winooski Municipal Development Plan.
  3. Mobile home parks within any zoning district where it is an allowed use and where it meets all applicable requirements for such use (see **Section 5.8**).
  4. Multiunit or multifamily dwellings entirely from the City.
  5. One accessory dwelling per principal single family dwelling, as a permitted use, if it meets the requirements of these regulations (see **Section 5.1**).
  6. A state licensed or registered care home or group home that serves no more than eight persons who have a handicap or disability.

Provisions have been made for each of the above types of housing within designated zoning districts.

#### SECTION 4.6 FENCES & WALLS

- A. Fences are permitted in all districts provided they conform to the following requirements, however, fences and walls in the Gateway Districts are exempt from this Section and shall conform to the standards of **Section 605 of Appendix B**:
1. Fences shall not exceed a height of six (6) feet above finished grade, except those parcels that abut a common lot line with an Urban General or Urban Storefront Gateway District may construct a privacy fence that shall not exceed a height of eight (8) feet above finished grade;

2. Fences may be located up to the property line but shall not be located on the property line;
3. No part of any fence shall be placed in such manner as to visually obstruct vehicular or pedestrian traffic. Fences located on a corner lot shall either be placed outside the vision clearance angle or shall not exceed a height of three (3) and one-half (1/2) feet above finished grade. The vision clearance angle is defined as the triangular area enclosed by the centerline of two intersecting streets and a line joining the points on such centerlines at distances of 75 feet from their intersections.

#### SECTION 4.7 LANDSCAPING & SCREENING

- A. **Intent.** Landscaping shall be provided to enhance the overall appearance of the site and to maintain or establish physical and visual compatibility with neighboring properties. Landscaping and natural screening shall be provided in front and side yards, adjacent to parking areas, and where rear yards abut residential properties or public roads as necessary to lessen and mitigate the physical and visual impacts of development.
- B. **Applicability.** This section shall apply only to use and buildings newly constructed, changed, extended or restored and shall not apply to those uses in and buildings lawfully repaired and improved where no increase in floor area or no change of use is made. This section is applicable in all Zoning Districts in the City with the exception of the Downtown Core, and any residential use of three or less units. This section is applicable to any alterations or improvements to structures within the Gateway Districts that fall under the thresholds for conformance with the Form Based Code as defined in [Section 209: Non-Conformities of Appendix B](#).
- C. **Buffer Areas for More Intense Land Uses.** In order to minimize the impact of one land use upon a less intense land use, buffer areas are required with the following provisions:
  1. **Material.** Buffer areas shall consist of a strip of land on which a fence or plantings have been installed.
    - a. **Height.** The fence or plantings shall have a minimum height of 5 feet.
    - b. **Screening.** The fence or plantings shall provide adequate privacy to the surrounding and less intense land uses.
    - c. **Maintenance.** It shall be the responsibility of the owner of the use for which the buffer is required to maintain and replace, when necessary such plantings or fences.

2. **District Requirements.** Buffer widths are as follows:

Zoning District	Width of Land Abutting a Less Intense District
Central Business District (C1)	10 feet
General Commercial District (C2)	20 feet
Industrial District (I)	50 feet

D. **General On-site Landscaping Requirements.** Shade trees, shrubs and planting beds are to be used to interrupt the facades of buildings, break-up expanses of parking, visually reduce the scale and bulk of large buildings, integrate the site with the surrounding landscape and to enhance environmental quality—e.g., for wildlife habitat, soil stabilization, storm water retention, air quality, and energy conservation.

1. Existing vegetation shall be incorporated in site design when physically feasible. Protect established vegetation during construction; when possible, transplant and stockpile shrubs or trees which must be relocated to accommodate construction. Preserve topsoil from the site for reuse in lawns, open space and buffer areas.
2. New landscaping shall be suited to USDA Zone 4 and the particular site. Trees recommended by Vermont Urban and Community Forestry are preferred. The use of native species is recommended and may be required as necessary to avoid the introduction and spread of nuisance or exotic species.
3. Landscaped areas shall be installed in the front and side yard areas, to include a mix of deciduous and coniferous trees, shrubs and ground cover. Landscaped areas should enhance the general appearance of the site, define planting strips and buffers, and reduce the amount of grass or lawn area.
4. Shade trees shall be a minimum of 2.5" caliper (trunk diameter), measured at a height of five feet, or, in the case of coniferous trees, be a minimum of eight feet in height.
5. Install landscaping, as best as possible, during Vermont's optimal planting seasons: between April 15<sup>th</sup> and June 15<sup>th</sup>, and September 1<sup>st</sup> and October 30<sup>th</sup>.
6. It shall be the responsibility of the owner of the property to maintain and replace, when necessary, such plantings.
7. The DRB or ZA may require the submission of a landscaping plan, to be prepared by a certified landscape architect, as required to determine conformance with these regulations.

E. **Parking lot landscaping requirements.** See [Section 4.12.E.8](#) of these regulations for the required landscaping for parking lots.

F. **Street Tree Requirements.** Street trees shall be required along any street, and along any existing public street. In the event that the City has adopted a street tree plan for a district or road segment, the DRB may require tree plantings that are consistent with that plan, or payment in lieu of trees to ensure plantings are done consistently with City parking, utility and other street-scape improvement projects. Street trees shall be planted to City of Winooski Public Works Standards and Specifications.

## SECTION 4.8 NATURAL RESOURCE AND OPEN SPACE

A. **Intent.** All development proposals throughout the City shall be designed to avoid and minimize undue adverse impacts to significant natural resources with the ultimate goal of preserving and enhancing the Winooski River corridor ecosystem, and public health. When feasible common open space areas to be used for parks, trails, urban forestry and urban agriculture shall be provided in development proposals.

B. **Applicability.** All applications for development shall identify and conserve Winooski's significant natural and scenic features in accordance with these regulations.

- C. **Standards.** Site layout and design, to the extent physically feasible, shall incorporate and avoid undue adverse impacts to significant natural and scenic resources identified in the Winooski Municipal Development Plan, maps and related inventories, or through site investigation. These include but may not be limited to:
1. **Steep Slopes.** Development areas shall be located and configured to the extent physically feasible to minimize the adverse impacts of development on steep slopes (15% or more); and to avoid site disturbance on very steep slopes (25% or more). Methods to avoid or mitigate adverse impacts include but are not limited to the following:
    - a. Development shall be sized and configured to minimize the extent of clearing, site disturbance and development in areas of steep slope (15% or more). The applicant shall submit a stormwater and erosion control plan in accordance with **Section 4.15**.
    - b. Driveways, access roads and utility corridors, to the greatest extent feasible shall share access and rights-of-way, follow existing contours to achieve angled ascents, and be located and designed to minimize surface runoff and erosion, especially in areas of steep slope (15% or more).
    - c. Development shall be sited, to the greatest extent physically feasible, to avoid site disturbance and development on very steep slopes (25% or more).
    - d. The DRB may require permanent protection of these resource areas as designated open space.
    - e. The DRB may require preparation and implementation of management plans for identified resources.
  2. **Surface Waters, Wetlands & Floodplains.** Development areas shall be located and configured to avoid adverse impacts to naturally occurring surface waters, wetlands, and special flood hazard areas (SFHAs), and setback or undisturbed buffer areas shall be established between proposed development and identified resources. Methods to avoid or mitigate undue adverse impacts include but are not limited to the following:
    - a. Setback and buffer areas of sufficient width to protect surface waters and wetlands from accelerated surface runoff, soil erosion and sedimentation, and to preserve wildlife habitats, shall be designated and identified on site plans and subdivision plats. The DRB may require larger setbacks or buffers, and/or buffer management plans as necessary to minimize impacts resulting from site-specific slope and soil conditions. Setbacks and buffer areas shall be:
      - i. 50 feet from Class II wetlands in accordance with the Vermont Wetland Rules.
      - ii. 50 feet setback from top of bank for streams with a watershed area less than 2 square miles.
    - b. Roads, driveways and utility corridors shall be located, to the extent physically feasible, to minimize the number and extent of surface water and wetland crossings and associated areas of site disturbance.
    - c. Any development within Special Flood Hazard Areas shall be subject to review under Appendix A: Inundation Hazard Area Regulations.
    - d. The DRB may require permanent protection of these resource areas as designated open space.
    - e. The DRB may require preparation and implementation of management plans for identified resources.
  3. **Natural Vegetative Cover.** Existing vegetative cover shall be preserved on the site to the greatest extent practicable.
  4. The applicant, ZA and DRB may consult with state officials, and/or other qualified professionals to determine the likely impact of a development on one or more of these resources, and appropriate mitigation measures.

D. **Common Open Space Areas.** The location, size and shape of lands set aside to be preserved and managed as common open space areas shall be suitable for their intended purpose and use and approved by the DRB, in accordance with the following:

1. Common open space areas may include significant natural and cultural features identified and designated for protection in accordance with **Section 4.8.C.**
2. For common open space areas that are not designated for protection in accordance with **Section 4.8.C.**, provisions shall be made to allow common open space areas to be used for parks, trails, urban forestry and urban agriculture. Management plans for parks, urban forestry and urban agriculture may be required by the DRB as necessary to ensure their long-term management. The DRB may require installation of facilities or equipment such as, but not limited to, benches, picnic tables, and playground equipment, as necessary to ensure proper use of common open space areas.
3. Designated common open space areas may include a portion of a single lot, or extend over several contiguous lots; however to the extent physically feasible, site layout and design shall minimize the subdivision and fragmentation of contiguous common open space areas.
4. Utility and road rights-of-way or easements, and access and parking areas shall not be included within designated common open space areas, unless the applicant can demonstrate to the satisfaction of the DRB that they will in no way disrupt or detract from the purposes or values for which the common open space area is to be protected or used.

E. **Legal Requirements.** At a minimum, unless waived by the DRB:

1. Designated common open space areas shall be indicated on the final site plan or subdivision plat.
2. Common open space areas shall be subject to deed restrictions and owner agreements that stipulate the permitted and restricted use of such land, and establish the person(s) or entity responsible for its maintenance and long term stewardship.
3. Designated common open space areas shall be subject to management agreements that include terms for administration, maintenance, and cost sharing. A draft management agreement shall be submitted with the application for final subdivision approval.
4. Nothing in these regulations shall be construed as indicating that the public has a right to access or recreate on private property without permission of the landowner.

#### SECTION 4.9 NONCONFORMING LOTS, STRUCTURES RIGHT OF WAY (ROW) OR DRIVE, AND USES

A. **Purpose.** Any lot, structure, part of a structure or use that is not in compliance with the provisions of these regulations, but was lawfully established prior to the effective date of these regulations, shall be deemed a nonconformity. It is the goal of the City of Winooski that nonconformities shall over time cease to exist, become conforming or at a minimum continue to be used in a manner that does not increase their degree of nonconformity. Nonconformities shall be regulated and only allowed to continue indefinitely as outlined in this section.

B. **Development of Nonconforming Lots.** An undeveloped nonconforming lot may be developed in accordance with the standards of the district in which it is located if the lot:

1. Was in existence on or before the effective date of these regulations; and
2. Is at least 1/8 acre in area; and
3. Is at least 40 feet wide and deep.

- C. **Use of Nonconforming Lots.** A lawfully developed nonconforming lot:
1. May continue in its current use and configuration.
  2. May, after receiving all applicable approvals and permits, be further developed and used in accordance with the standards of the district in which it is located.
- D. **Nonconforming Right of Way or Drive.** *Pre-existing, lawfully established, nonconforming Right of Way or drive* that was in existence on or before the effective date of these regulations:
1. *Shall Conform with Public Works material and construction standards for public or private ROW—See section 5 of the City Winooski Public Works Standards and Specifications*
  2. *May be used, expanded or improved in accordance fire dept., police dept. and public works approval.*
  3. *May, after receiving all applicable approvals and permits, be further developed and used in accordance with the standards of the district in which it is located.*
- E. **Nonconforming Structures.** A nonconforming structure:
1. May undergo normal repair and maintenance without a permit provided that such action does not increase the structure's degree of nonconformity.
  2. May be restored or reconstructed after damage from any cause provided that the reconstruction does not increase the degree of nonconformity that existed prior to the damage, and provided that a permit is obtained within 6 months of the date the damage occurred.
  3. May be structurally enlarged, expanded or moved, after receiving a permit from the ZA, provided that the degree of nonconformity is not increased. The following exceptions may apply: an increase in a structural nonconformity may be permitted, after receiving a permit from the ZA, for an alteration or expansion in height above existing gross floor area so long as the alteration or expansion does not result in any new structure located closer than 5' from the property line or exceed the maximum height requirement of the zoning district. The DRB may grant a waiver to dimensional requirements that may allow increases in a structure's degree of nonconformity subject to conditional use approval by the DRB in accordance with the provisions of **Section 6.7** of these regulations.
  4. May, subject to conditional use approval by the DRB in accordance with the provisions of **Section 6.7** of these regulations, be structurally altered or expanded in a manner that would increase the degree of nonconformity for the sole purpose of meeting mandated state or federal environmental, health, accessibility, safety or energy regulations that would allow for the continued use of the structure.
- F. **Nonconforming Uses.** A nonconforming use:
1. Shall not be moved from one lot to another where it is also a nonconforming use.
  2. Shall not be re-established if the use has been changed to or replaced by a conforming use for a period greater than 6 months.
  3. Shall not be re-established if the use has been discontinued for a period greater than 6 months.
  4. Shall not be intensified by any means whatsoever, except with the approval of the DRB subject to conditional use review in accordance with the provisions of **Section 6.7** of these regulations.
  5. Shall not be extended to displace a conforming use.
- G. **Nonconforming Non-residential Uses in the R-A, R-B and R-C Zoning Districts.** The conversion of nonconforming, non-residential uses in existence on January 1, 2012 in the R-A, R-B and R-C zoning districts to residential uses are incentivized through an increased level of residential density than otherwise would be allowed. An applicant may request approval under this provision if a minimum of 40% of the gross floor area of the structure is in active non-residential use. Conversion is subject to the following provisions:
1. Total, maximum residential density shall be:
    - a. 16 units per acre in the R-A and R-B districts; and
    - b. 24 units per acre in the R-C district.
  2. Minimum habitable floor area shall be:
    - a. 600 square feet for each studio or efficiency unit;
    - b. 800 square feet for a 1-bedroom unit, plus, a minimum of 200 square feet for each additional bedroom.
  3. A maximum of 4 bedrooms is allowed in each unit.
  4. Each application for this conversion shall be subject to approval under the following provisions:



- a. Conditional Use and Site Plan approval as specified in Articles VI and VII; and,
  - b. Design Review as specified in **Section 4.4**.
5. The conversion shall not result in any nonconformance or further nonconformance of the existing structure with regards to setbacks, lot coverage and building height. The maximum height limit of the zoning district shall apply. Any floor area(s) above the maximum height shall not be expanded beyond the pre-existing extent.
  6. Parking shall be provided at the rate of 1 space per residential unit; all lot area in a vegetated condition without hardscape improvements in place on January 1, 2012 shall not be reduced to accommodate parking, drives or site circulation.
  7. Non-residential uses will be considered abandoned upon conversion and shall not be re-established.

## SECTION 4.10 OUTDOOR LIGHTING

- A. **Intent.** It is the intent of these regulations to ensure adequate lighting for night-time visibility, crime deterrence, decoration, and to preserve the ambiance of the night; and to avoid lighting that is too bright, intense, creates glare, hinders night vision, and creates light pollution.
- B. **Applicability.** This section is applicable with respect to (i) Zoning Districts in the City with the exception of the Downtown Core, (ii) any residential use of three or less units, and (iii) street lights.
- C. **Lighting Standards.**
  1. Utilize lighting that is of a pedestrian scale and style appropriate to the development and the neighborhood.
  2. Lighting elements shall be LED, metal halide, or halogen elements with a spectrum of light more perceptively “natural”. Lighting elements that cast a perceptively unnatural spectrum of light such as low pressure sodium, HID or fluorescent lights (excepting compact fluorescent bulbs that screw into standard sockets) are not permitted. Alternative lighting elements may be permitted by the ZA as technologies advance and produce additional equivalent or better lighting elements.
  3. Lighting fixtures shall be of a “cut-off” design, or be equipped with shields to avoid glare onto neighboring properties or public streets. Fixtures shall provide light without hazard to drivers or nuisance to residents from glare.
  4. The maximum height of luminaires shall be 16 feet, with appropriate spacing on a site by site basis to avoid excessive fixtures. The maximum illumination at ground level shall not exceed 3 foot candles.
  5. Site lighting shall be of a design, height and location so as to illuminate only the lot. An exterior lighting plan shall be submitted and it shall document a score of zero foot candles at the property lines.
  6. Flashing, traveling, animated, or intermittent lighting shall not be mounted on the exterior of any building whether such lighting is of temporary or long-term duration.
  7. Floodlights or directional lights (maximum 100-watt incandescent or equivalent) may be used to illuminate common drives, parking garages and working (maintenance) areas, but shall be shielded or aimed in such a way that they do not shine into other lots, or public streets.
  8. Flood or uplighting may not be used to illuminate private building walls. Accent lighting may be permitted on civic use buildings or monuments, to highlight architectural features (such as church steeples or courthouse domes).
  9. The method of lighting operation shall be energy efficient and scheduled to minimize adverse impact on residential neighbors. All-night lighting shall be activated by photo-sensor and turned off by timers.
  10. Lighting for parking garages shall consider general Crime Prevention Through Environmental Design (CPTED) intent.
  11. Temporary (per City regulations) Holiday Lighting is exempt from these regulations.



12. Streetlights shall be coordinated with the Department of Public Works.

#### SECTION 4.11 OUTDOOR STORAGE, MECHANICAL AND UTILITY EQUIPMENT

A. **Intent.** It is the intent of these regulations to minimize the location of mechanical and similar equipment, garbage cans, storage tanks, and similar elements in any public areas, be visible from the street, or detract/interfere with the pedestrian space.

B. **Applicability.** This section is applicable in all Zoning Districts in the City with the exception of any residential use of three or less units.

C. Mechanical and utility equipment, and outdoor storage shall meet the following standards:

1. The following shall be placed behind any buildings, may not be stored or located within any public street, and shall be screened from view from the public sidewalk and street and neighboring properties: exterior storage areas, air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and similar equipment. Plantings, enclosures and other mitigation screening methods shall be coordinated with the design of the principal building and shall be utilized to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable. Above ground utility structures associated with underground utilities may be allowed in front of a building if no alternative location exists, however the equipment must be enclosed with a vegetative buffer.
2. Onsite utilities shall be placed underground whenever practicable.
3. Trash and recycling bins and dumpsters shall be located within, preferably, or behind buildings. They shall be enclosed on all 4 sides to prevent blowing trash, and screened from public view.
4. Roof mounted equipment shall be placed away from the FACADE of the building and screened from view from the public sidewalk and street.
5. Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of [Section 4.13](#) Performance Standards.
6. Storage of junk shall not be permitted on any property within the City, unless permitted as a State and City licensed salvage yard facility. Junk includes but is not limited to rags, paper, rubbish, bottles, glassware, crockery, bags and used and unregistered motor vehicles and parts there-of, and items of a similar nature.

#### SECTION 4.12 PARKING, LOADING AND SERVICE AREAS

A. **Intent.** These parking standards are intended to:

1. Enable people to conveniently park and access a variety of commercial, residential, and civic enterprises in pedestrian friendly environments by encouraging shared parking.
2. Reduce fragmented, uncoordinated, inefficient, reserved single-purpose parking.
3. Avoid adverse parking impacts on neighborhoods adjacent to redevelopment areas.
4. Maximize on-street parking where available.

B. **Applicability.** These parking requirements shall apply only to uses and buildings newly constructed, changed, extended, or restored and shall not apply to those uses and buildings lawfully repaired or improved where no increase in gross floor area or change of use is made. The regulations in this section shall apply to all Zoning Districts except the Downtown Core District; and only [Section 4.12.C](#) shall apply to the Gateway Districts.

**C. Minimum Reserved Parking Requirements.**

1. The quantity of parking spaces to be provided in each development proposal shall be determined based on the following requirements. When calculating the spaces required, a decimal shall be rounded up to the nearest whole number.

Uses	Base Parking Requirements
Residential in R-A, R-B and R-C districts	2.0 space/dwelling unit, except 1.0 space/accessory unit
Residential – in all other districts	1.0 space/dwelling unit + 0.50 space/3 bedroom or larger dwelling unit + 1 space for every 4 units (calculated at increments of 4)
Commercial (retail, restaurant, etc.)	3.0 spaces/1,000 sq. ft. of gross floor area
Hotel/B&B	1.0 space/room
Theater	0.25 spaces/seat
Industrial	3.0 spaces/1,000 sq. ft. of gross floor area
Office	4.0 spaces/1,000 sq. ft. of gross floor area

2. The applicant shall provide a calculation of the parking spaces allocated for each use (including for employees and for customers/clients) and by time period, and any proposed shared use or transportation demand management reductions, and the location of the parking spaces. The required reserved parking spaces may be adjusted, with approval from the DRB or ZA depending on the application requested, as follows:
  - a. Shared Use: Sites over 10,000 square feet in non-residential gross floor area, may be applicable for shared use of the required reserved parking spaces. No more than 60% of the required reserved spaces may be shared. Shared use calculations must be submitted and approved by the Applicable Authority.
  - b. Transportation Demand Management (TDM): Use of TDM strategies may be incorporated for a reduction of no greater than 10% of the required reserved parking spaces. Specific strategies, and the associated single occupancy vehicle trip reductions must be submitted and approved by the Applicable Authority.
  - c. Location: The applicant shall demonstrate sufficient parking for residents and employees are available and reserved for use on the applicant's site or off-site within 1400 feet from the project site. No more than 20% of the required reserved parking or 10 spaces, whichever is more, shall be allowed off-site. Each application involving the provision of reserved parking spaces off-site shall submit written proof of contractual arrangements with the owner of the lot which guarantees the continuous use of the required parking spaces for the particular use(s) for the duration of the use(s). The off-site parking provision is not permitted for development proposals within the Residential Zoning Districts.
  - d. Public Parking: The customer or client (non-employee) portion of the minimum parking requirements may be accommodated in the City's public parking inventory upon approval of the Director of Public Works or Downtown Parking Administrator. However, the parking associated with the public parking inventory will not be reserved explicitly for any one business.
3. Handicapped – Accessible Parking Spaces. Parking spaces for handicapped persons shall be provided for all non-residential uses. The size, number, and location of spaces shall comply with the ADA Accessibility Guidelines. Handicap accessible spaces are required to be eight feet (8'0") wide, with an adjacent access aisle five feet (5'0")

wide. One in every eight (8) accessible spaces must have an access aisle eight feet (8'0") wide and must be signed "van accessible". The number of accessible spaces to be provided in each development proposal shall be determined based on the following requirements. When calculating the spaces required, a decimal shall be rounded up to the nearest whole number.

Total parking spaces in lot	1-25	26-50	51 - 75	76 - 100	101- 150	151-200	201-300	301-400	401-500	501-1000	> 1,000
Number of accessible spaces required in lot	1	2	3	4	5	6	7	8	9	2% of total	20 + 1 per 100 over 1,000

4. Required Bicycle Parking. Sites and/or projects over 10,000 square feet in land area have the following requirements:
  - a. For non-residential uses, the Applicant must provide 1 employee bicycle parking rack (2- bike capacity) per 5,000 square feet of non-residential gross floor area and 1 visitor/customer bicycle parking rack (2-bike capacity) per 10,000 square feet of non-residential gross floor area. The employee and visitor racks may be co-located.
  - b. For residential, the developer must provide 1 tenant bicycle parking rack (2- bike capacity) per 10 units and 1 visitor bicycle parking rack (2-bike capacity) per 25 units. Projects under 10 units shall have no requirement.
  - c. Bicycle parking facilities shall be visible to intended users. The bicycle parking facilities shall not encroach on any area in the public right-of-way intended for use by pedestrians, nor shall they encroach on any required fire egress.

**D. Parking Standard Dimensional Requirements.**

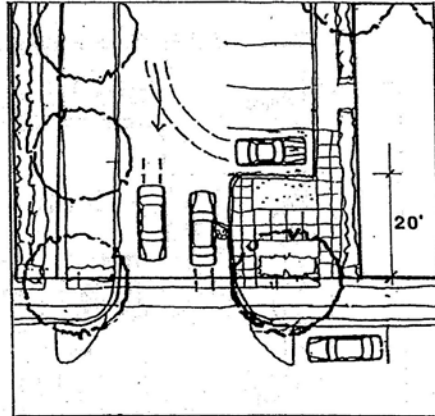
1. Parking spaces shall be a minimum width of 9 feet, minimum length of 18 feet, and if enclosed, a minimum ceiling height of 7 feet.
2. The aisle space shall be as follows:

Parking Pattern	Minimum One-Way Aisle Width	Minimum Two-Way Aisle Width
<b>90 degree perpendicular</b>	20 feet	20 feet
<b>60 degree angle</b>	18 feet	18 feet
<b>45 degree angle</b>	16 feet	16 feet
<b>30 degree angle</b>	14 feet	16 feet
<b>Parallel</b>	12 feet	16 feet

**E. Surface Parking Site Requirements.**

1. No parking space shall be allowed within the minimum frontyard setback of the district in which the use or property is located.
2. Parking shall be located at the rear or side of buildings, or within or under the structure, except in the R-A, R-B, R-C and Industrial Zoning Districts.
3. All parking spaces, circulation areas and connected driveways shall be surfaced in accordance with the Public Works Specifications.

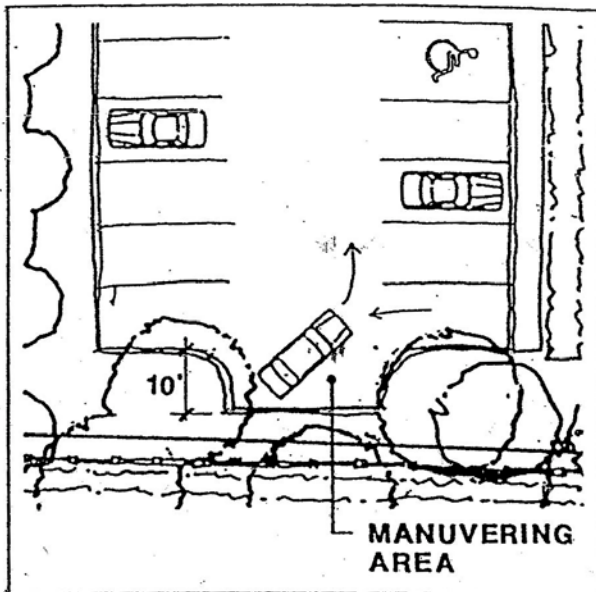
4. A front yard landscape buffer shall be provided to create stacking and maneuverability space for vehicles entering and exiting the development site, create a safety barrier between parked cars and pedestrians on the public sidewalk, and provide screening. The front yard parking buffer shall be a minimum 20 feet wide to accommodate a car length, and landscaping a maximum of 3 feet high so as to not obstruct sight distances. See Figure 6 – Frontyard



**PROVIDE ONE CAR STACKING DISTANCE  
BETWEEN SIDEYARD PARKING &  
STREET, ALLOWS FOR LANDSCAPE  
BUFFER**

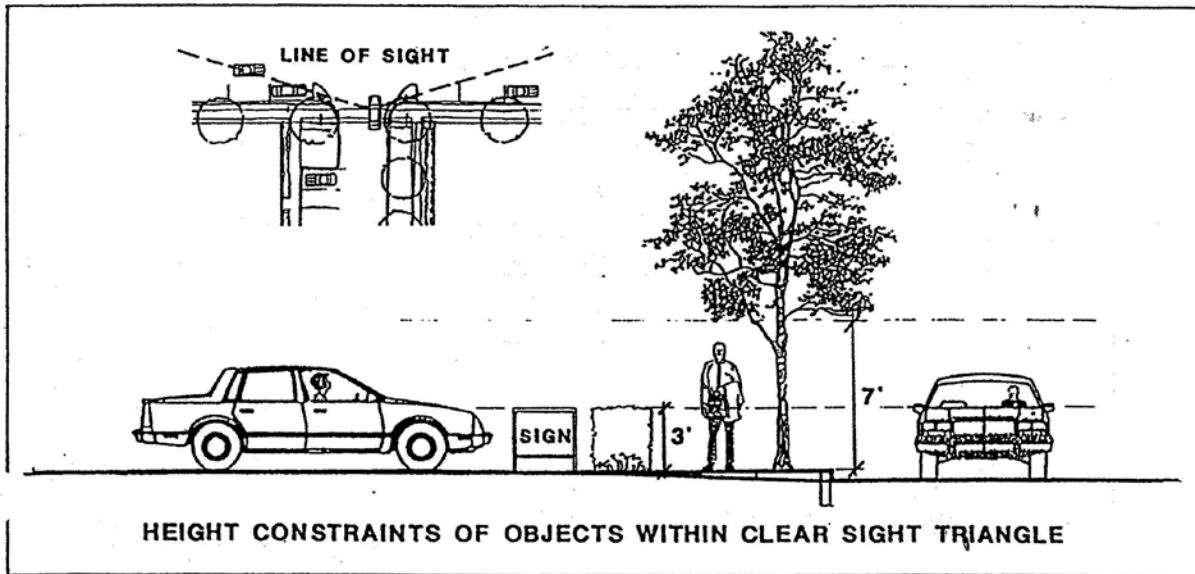
Buffer and Stacking Space:

5. Provide adequate maneuvering areas for vehicles, utility and emergency trucks to serve the property and avoid back onto a public right-of-way. See Figure 7 – Indentation Area for Maneuvering:



6. Adequate site lighting shall be provided for safety at intersections, in parking areas, along walkways, at entryways and between buildings in accordance with **Section 4.10** of these regulations.
7. Locations for dumpsters and other refuse containers shall be identified on the site plan and located at the rear or side of the site out of the public view. Dumpsters shall be screened with walls, shelters, fencing, dense plantings or a combination thereof. Screening shall be a minimum of 6 feet tall and provide sufficient year-round coverage.
8. Landscaping. The following are minimum requirements, unless evidence of existing site conditions, such as existing vegetation or slope conditions, can be shown to meet the intent of these regulations:

- a. Screening shall be provided along the perimeter of the parking lot to improve the appearance of the site and minimize noxious characteristics. Utilize evergreens for screening and deciduous trees for shade within the lot and adjacent to public streets. Canopy shade trees should be placed at an average distance not to exceed 30 feet on center and aligned parallel three to seven feet behind the property line. Plant land between trees with shrubs, ground cover or lawn.
- b. Place and maintain front yard landscaping so that it does not obstruct lines of sight at points of egress from the site. See Figure 8 – Site Distance at Egress Points:



- c. Landscaping shall be designed to filter and infiltrate stormwater runoff on the site wherever feasible.
- d. In addition to the above requirements, parking lots in commercial or industrial districts that abut a residential district shall provide a planting screen with a minimum height of 4 feet at the time of planting, and shall be of a sufficient density throughout the year to provide adequate privacy to the residential district.
- e. It shall be the responsibility of the owner of the property for which such parking and/or circulation is provided to maintain and replace, when necessary, such plantings.

**F. Loading Requirements.** The off-street loading requirements shall apply only to commercial, business, industrial and institutional buildings and uses constructed, enlarged or extended after enactment of these requirements. These requirements shall not apply to buildings lawfully repaired or improved if no change of use or increase in floor space is made.

1. Loading Standards. The number of loading spaces to be provided shall be as follows:

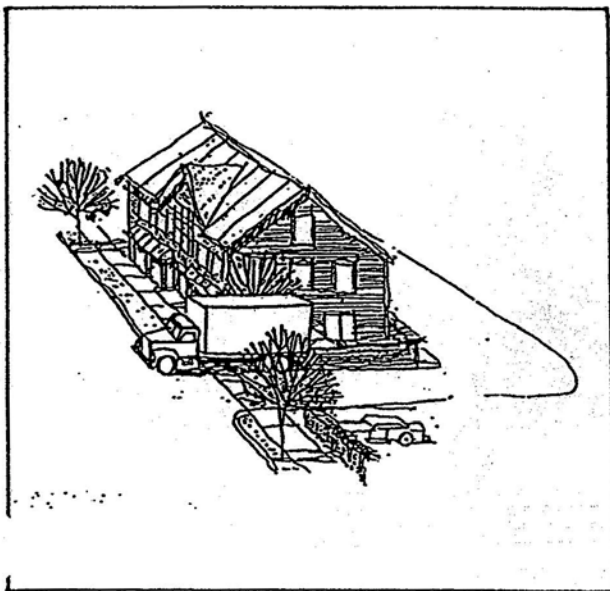
Square Feet of Gross Floor Area	Required Number of Loading Spaces
0 – 15,000 square feet	1
15,001 – 40,000 square feet	2
40,001 – 100,000 square feet	3
100,001 – 160,000 square feet	4
Each additional 80,000 square feet	1

2. Loading Dimensional Requirements. Loading spaces shall have the following dimensions:

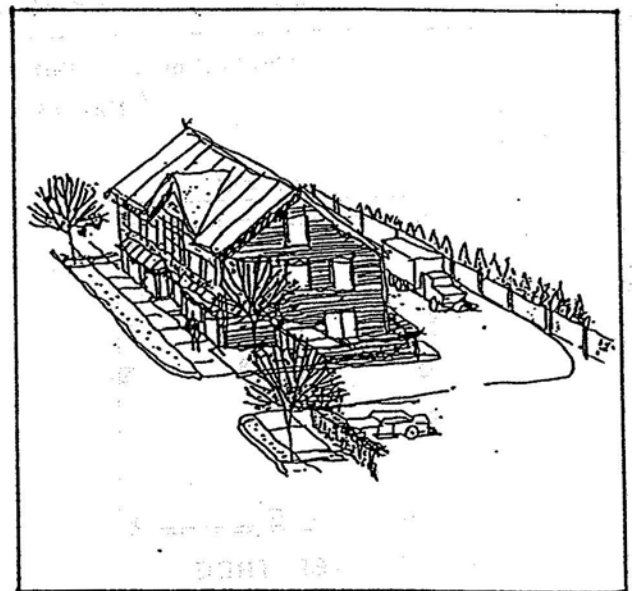
Minimum Width	10 feet
Minimum Length	25 feet

Minimum Height if Enclosed	14 feet
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3. Other Loading Requirements.
  - a. Access Alleys. In the event the parcel on which the off-street loading is to be located abuts upon an alley of sufficient size to accommodate vehicles, the loading space shall use the alley for access and not the public street.
  - b. Access Streets. When the loading space is to access upon a public street the maximum curb cut allowed shall be 25 feet.
  - c. Turn-Arounds. All loading spaces shall provide adequate room for the vehicles to turn around so as to avoid the necessity of backing into a street or alley.
4. Screening. Loading spaces shall be located at the rear of the site. Integrate facilities with building architecture and provide a minimum 6 foot high screen within a minimum 6 foot wide buffer. See Figure 9 – Loading Area Placement:



**UNDESIRABLE**  
LOADING AREA HIGHLY VISIBLE  
WITH DELIVERY VEHICLES  
DISRUPTING PEDESTRIAN &  
VEHICULAR TRAFFIC



**DESIRABLE**  
LOADING AREA AT REAR OF  
BUILDING, WELL SCREENED FROM  
NEIGHBORING USES

#### SECTION 4.13 PERFORMANCE STANDARDS

A. All applications for a zoning permit shall be required to demonstrate compliance with the applicable nuisance regulations and performance standards pursuant to the requirements of the Winooski Code of Ordinances, and all applicable Federal and State laws and regulations. All such standards shall be met and maintained for all uses, except for agriculture and forestry, in all districts, as determined or measured at the property line. In determining ongoing compliance, the burden of proof shall fall on the applicant, property owner, and/or all successors and assigns. When a



question arises as to identification of or nature of any reasonably presumable hazard as identified below, the ZA may require the applicant or owner of record to submit an analysis prepared by a registered professional engineer.

1. **Noise.** No regularly occurring noise that is excessive at the property line and represents a significant increase in noise levels near the development so as to be incompatible with the reasonable use of the surrounding area shall be permitted, in accordance with the Winooski Noise Ordinance.
2. **Vibration.** No clearly apparent vibration that, when transmitted through the ground, is discernible at property lines without the aid of instruments shall be permitted. The ZA or DRB may modify or waive this requirement during construction or similar special circumstance for a period of up to 1 year in accordance with Article VI of these regulations.
3. **Glare, Lights and Reflection.** No glare, lights or reflection shall be permitted that adversely affect other property owners or tenants that could impair the vision of a driver of any motor vehicle, or that are detrimental to public health, safety and welfare. However, reflections from solar energy collectors that are part of an operating solar energy system shall not be regulated under these performance standards.
4. **Fire, Explosives and Safety.** No fire, explosive or safety hazard shall be permitted that significantly endangers other property owners, or that results in a significantly increased burden on municipal facilities. The storage of any highly flammable liquid in above ground or underground storage tanks shall comply with City Ordinances, Vermont Fire and Building Safety Code and other applicable State laws and regulations, and any applicable federal regulations. The owner of record shall seek approval from the City Fire Chief before installation, and shall submit certification that such use complies with all applicable Federal, State and local regulations.
5. **Smoke, Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution.** No emission shall be permitted that can cause any property damage, pose a hazard to the health of people, animals or vegetation, or that can cause any excessive soiling at any point on the property of others. All emissions shall comply with Vermont Environmental Protection Rules and any applicable federal regulations.
6. **Heat, Cold, Moisture, Mist, Fog or Condensation.** No releases of heat, cold, moisture, mist, fog or condensation that are detrimental to neighboring properties and uses, or the public health, safety, and welfare shall be permitted.
7. **Liquid or Solid Waste and Refuse.** No discharge shall be permitted at any point into any sewage disposal system or water course or lake or into the ground, except in accord with standards approved by the state Department of Health, Department of Environmental Conservation or other regulatory department or agency, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes or refuse conducive to the breeding of rodents or insects. No solids or liquid wastes may be disposed into the City sewage system except as stated in the Winooski Sewage Use Ordinance.
8. **Electromagnetic Radiation.** It shall be unlawful to operate, or cause to be operated, a planned or intentional source of electromagnetic radiation for any purpose which does not comply with applicable Federal and State laws and regulations.
9. **Radioactivity and Other Hazards.** No radioactive emission or other hazard that endangers the public health, safety or welfare, public facilities, or neighboring properties, or that results in a significantly increased burden on municipal facilities and services shall be permitted.

#### SECTION 4.14 SIGNS

A. **Intent.** The intent of this section is to promote and protect the public health, welfare and safety of the general public by regulating signs so as to reduce general hazards, traffic hazards and to preserve open space, natural beauty and the character of the City. It is further the intent to ensure that signs are clear, informative to the public and durable. Signs should be scaled and designed for their intended use. Signage that is glaring or too large creates distraction, intrudes into or lessens the urban experience, and creates visual clutter.

B. **Applicability.** The regulations in this section shall apply to all signs in all Zoning Districts except the Gateway Districts and the Downtown Core District. Outdoor advertising as regulated by 10 V.S.A., Chapter 21: Tourist Information Services is not subject to these regulations. No signs, other than official street or highway signs, may be permitted in any zoning district except as specifically provided herein and have obtained a sign permit from the ZA.

C. **Substitution Clause.** The owner of any sign which is otherwise allowed by this sign ordinance may substitute noncommercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

D. **Unsafe or Illegal Signs.** In the event that the ZA finds that any sign regulated by this ordinance is unsafe, insecure, or a menace to the public, the ZA shall give written notice to the named owner of the sign and the owner of record of the property on which the sign is located. Owner(s) so notified shall remove, repair, or bring into conformity such sign within thirty (30) days from the date of said notice. If said sign is not removed or repaired within the thirty (30) days the ZA shall revoke the permit issued for the sign, shall cite the owner for violation of the Zoning Regulations and may remove or repair the sign and will assess all costs and expenses incurred in the said removal or repair against the property owner of record.

E. **General Sign Restrictions.** These include but may not be limited to:

1. **Direct Application.** Signs painted directly on all street facing FACADES are prohibited, but are permitted, subject to approval by the ZA or DRB as applicable, on the side, rear, and courtyard exterior walls.
2. **Illumination.** No neon or illuminated sign shall be of such illumination or so located so as to diminish or detract in any way from the effectiveness of any traffic signal or similar safety or warning device. Above street-level establishment signs may not be illuminated.
3. **Vision Clearance.** Signs located on a corner lot shall either be placed outside the vision clearance angle or shall not exceed a height of three (3) and one-half (1/2) feet above finished grade. The vision clearance angle is defined as the triangular area enclosed by the centerline of two intersecting streets and a line joining the points on such centerlines at distances of 75 feet from their intersections.
4. **Duality of Districts.** In a situation where land is located in a less restrictive district and a sign is to be located in a more restrictive district, the regulations of the more restrictive shall apply to the sign, unless the DRB determines that the regulations of the less restrictive district will not jeopardize the purpose and intent of this section.
5. **Non-conforming Signs.** Non-conforming signs which are structurally altered, relocated, or replaced shall immediately be brought into conformance with this regulation.



6. **Removal and Repair of Signs.** Any sign that no longer advertises an existing business conducted or product sold on the premises shall be removed by the owner within 60 days. All signs shall be maintained in good condition. Any sign that is abandoned, unsafe, insecure or a menace to the public may be removed by the city at the owner's expense if the owner takes no action to repair or remove the sign after a notice of violation per **Article VII.B** of these regulations.

F. **Temporary Signs.** All signs temporary in nature may be granted a temporary permit from the ZA for a period not to exceed 90 days. The DRB may grant an extension of the temporary permission for an additional 90 day period. Temporary signs shall not exceed 20 square feet in area, and shall not obstruct the vision clearance angle.

G. **Permanent On-Premise Signs in Residential Districts.** One sign per residence which conforms to the following requirements is permitted in the R-A, R-B and R-C Zoning Districts. Illumination of signs in residential districts may not cause any glare beyond the property boundaries.

1. One sign not exceeding 200 square inches and affixed to the building is permitted or;
2. One free-standing sign not exceeding 4 square feet, not exceeding the vision clearance height restrictions and located within the required front yard setback is permitted.

H. **Permanent On-Premise Signs in the Central Business District.** In reviewing applications the following will be considered:

1. All proposed signs will not relate to the architecture of the building on which they are to be located.
2. All proposed signs will be compatible with the building or structure in terms of the size, color, shape, material and design.
3. **Maximum Size.** The maximum size of a sign or a series of signs for all establishments shall be determined as follows. Different types of signs are permitted per lineal frontage per establishment provided the combined primary and secondary signs do not exceed the maximum allowable sign area in square feet as listed here:

Lineal Frontage of Establishment	Maximum Allowable Sign Area in Square Feet
36 feet or greater	40 square feet
between 24 and 35 feet	35 square feet
between 16 and 23 feet	30 square feet
between 11 and 15 feet	25 square feet
10 feet or less	20 square feet

- a. **Sign Area Calculation.** To calculate the area of a sign use the following formulas. Structural members bearing no copy which are not an integral part of the design shall not be included in calculating the surface area.
  - i. Hanging Sign (double faced). Use the area of one side.
  - ii. Three Dimensional Signs. Calculate the projected area of both the front view and the larger side view of the sign, then use one-half the total of the front and large side to determine the area.
  - iii. Irregularly Shaped Signs. Use the area of the smallest plane geometric figure that will wholly contain the sign.
  - iv. Square Footage. The primary and secondary sign area combined shall not exceed the maximum allowable sign area in square feet in **Section 4.14.H.3.a**. A secondary sign shall be no greater than 40% of the maximum allowable sign area, or less if the primary sign is greater than 60% of the maximum allowable sign area, such that the combination of the signs do not exceed the total maximum allowable sign area. The other permissible signs listed under **Section 4.14.H.5.b** below shall not be included in the maximum allowable sign area calculation.
4. **Height of Signs.** Any sign for a street level establishment must be at least 8' above the sidewalk and no higher than the window-sills of the second floor.
5. **Types of Permitted Signs.** The following signs, or combination of signs, are permitted in the Central Business District subject to the following provisions:

- a. **Primary and Secondary Signs.** Primary signs are an establishment's major sign, which may be a combination of signs, such as a wall sign plus a hanging sign. Secondary signs may be used to indicate the secondary or alternate entrance or egress to a commercial establishment. The types of signs permissible as primary and secondary signs, and included in the maximum allowable sign area, include:
    - i. **Banner Signs.** Any sign which is constructed of fabric and is not rigidly attached on all sides. Shall not project more than 4'8" from a building or two-thirds (2/3) of the width of the sidewalk, whichever is less.
    - ii. **Hanging Signs.** Any sign supported by a building wall and not parallel to it which projects 8 inches or more. When a combination of sign types is allowed the hanging sign should consist for the most part of a graphic display with a minimum of lettering.
    - iii. **Wall Signs.** Painted, incised or three dimensional letters affixed to a signboard which is then attached to a building surface.
    - iv. **Window Signs.** Any sign which is permanently affixed to the surface of the glass of any part of any establishment. Signs visible through a window on a permanent basis are considered window signs even though they may not be affixed to the glass. Signs affixed to glass shall not occupy more than twenty percent (20%) of the glass area.
  - b. **Other Permissible Signs.** These signs are subject to review, but their area shall not be included in the maximum allowable sign area calculation.
    - i. **Plaque or Historic Markers.** A permanent sign whose purpose is to indicate some significant fact about the building.
    - ii. **Plaza Signs or Free-Standing Signs.** Any sign structurally separate from the building, being supported by itself or on a stand and/or legs. These signs shall not exceed 8 feet in height and no more than 40 square feet in area. The base of all permanent freestanding signs shall be landscaped with perennial and/or annual plantings.
    - iii. **Directory Signs.** Any sign which contains listings of two or more commercial establishments who share a common entrance. The maximum size of all directory signs shall not exceed four (4) square feet and no more than one (1) square foot per establishment.
    - iv. **Portable Signs.** Portable signs, such as sandwich board signs, are designed for easy placement. Portable signs may not exceed 12 SF on each face and must be removed when the business they advertise is closed. Portable signs may take up no more than 30% of a pedestrian walkway and may not be placed in a public right-of-way. Portable signs must be brought inside when the business with which they are associated is closed.
6. **Dimensional Requirements and Sign Types for Signs above the Street-Level Establishments.** Above street-level establishments may use any of the signs allowed under **Section 4.14.H.5** above, but may not be illuminated. The maximum sign area for each establishment shall be twenty (20) square feet. In addition each establishment may have one sign place on a directory sign.
- I. **Permanent On-Premise Signs in General Commercial (C-2), Industrial Zoning Districts.** Each business is permitted two signs including one applied FACADE sign and one free-standing sign, provided that said sign conforms to the following requirements:
1. **Applied FACADE Sign:**
    - a. Such sign shall be applied onto and parallel to the face of the building.
    - b. Such sign shall not exceed 25 square feet in area.
    - c. Such sign shall not project more than 12 inches beyond the face of the building.
    - d. No part of such sign shall be situated above the height of the wall to which it is attached.
  2. **Free-standing Sign:**
    - a. Such sign shall not exceed an area of 25 square feet.
    - b. Such sign shall not be placed within any public right-of-way, and no closer than 5 feet to any sidewalk.
    - c. No sign shall exceed 16 feet in height from the top of the sign to the ground level.

- d. Illumination of signs shall meet the requirements of the outdoor lighting standards in **Section 4.11**.
- e. The base of all permanent freestanding signs shall be landscaped with perennial and/or annual plantings.

**3. Accessory Signs:**

- a. Accessory signs are permitted provided that each such sign does not exceed a maximum area of 4 square feet and shall not exceed a total height of 6 feet. Illumination of signs shall meet the requirements of the outdoor lighting standards in **Section 4.11**.

**J. Electronic message center.** A sign that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means. Electronic message centers shall:

- 1. Meet all requirements of this section;
- 2. Transition in an instant/static fashion; and
- 3. Automatically dim to the ambient lighting with a maximum brightness of 0.3 foot candles over the ambient lighting.

**K. Public Art.** Public art includes sculptures, monuments, murals, and other objects of art that are not enclosed in a building or other structure and that will be visible from a public way. Public art may also be incorporated into functional objects like fountains, benches, lamp posts, bike racks and other streetscape features. It is not the intent of this bylaw to limit freedom of expression, but the city does need an opportunity to enforce the distinction between public art and signs. The city also needs to ensure that proposed public art does not constitute a hazard to drivers, cyclists, or pedestrians. For this reason, proposed public art must be included in all development and a Zoning permit will be required for the addition of public art to an approved development.

**L. Application Information, Signs.** The applicant shall submit the following information to the ZA:

- 1. A detailed drawing or blueprint showing the construction details, the lettering and/ or pictorial matter, the position of lighting and other extraneous devices, the position of the sign on the land or building, the position of the sign in relation to nearby buildings or structures and to any public or private sidewalk, street or highway. A photograph may be submitted in addition to, or instead of, the building drawing, but it must show the information required on the drawing.
- 2. A drawing, to scale, of the bracket, if any, including dimensions, color, material, and the method of affixing it to the sign and to the building.
- 3. Written consent of the owner of the building, structure, or land to which or on which the sign is to be erected, in the event the applicant is not the owner thereof.
- 4. A change in signage to a previously approved site plan shall require resubmission.

## SECTION 4.15 STORMWATER MANAGEMENT AND EROSION CONTROL

**A. Intent.** Temporary and permanent stormwater management and erosion control measures shall be used during all phases of development as necessary to minimize surface runoff and erosion, protect water quality, and to avoid damage to downstream properties and infrastructure in conformance with the following requirements.

**B. Applicability.** These stormwater and erosion control requirements shall apply to all development as required by the Winooski Stormwater Regulations. The regulations in this section shall apply to all Zoning Districts.

**C.** Stormwater management and erosion control systems serving the development shall be designed, installed and maintained in accordance with the City of Winooski Stormwater Regulations and best management practices accepted by the State (including Green Stormwater Infrastructure and Low Impact Development strategies), based on the

upstream drainage area, size of storm events, soil and slope conditions, the proposed type and density of development, including total lot coverage at build-out.

1. All stormwater management systems shall be designed to accommodate existing and anticipated runoff from the site, including anticipated flows from storm events and total runoff generated at build-out and, avoid flooding or damage to adjoining properties and downstream drainage facilities to the extent physically feasible to:
  - a. Maximize onsite infiltration and treatment through utilization of "Green Stormwater Infrastructure" (GSI) including infiltration, evapotranspiration, storage and reuse, and minimize surface runoff through the use of "Low Impact Development" (LID) strategies including minimize soil compaction, minimize total site disturbance, protect natural flow patterns, protect riparian buffers, protect sensitive areas such as wetlands and steep slopes, and reduce impervious surfaces (see [VT DEC Watershed Management Division's Green Infrastructure website](#) for more information on GSI and LID).
  - b. Integrate natural drainage systems on site and stormwater management system design.
  - c. Minimize the need for expensive system maintenance.
  - d. Integrate stormwater storage and treatment facilities (e.g, retention ponds) in site design.
  - e. Avoid flooding or damage to adjoining properties and downstream drainage facilities.
- D. The applicant shall demonstrate that existing storm/sewer systems infrastructure and downstream drainage facilities will be able to accommodate any additional runoff from the site. If increased runoff exceeds the capacity of downstream drainage facilities and infrastructure, storage or treatment facilities, the Publics Works Director, ZA and/or DRB may require that the applicant install:
  1. additional onsite stormwater infiltration, retention and treatment facilities and/or
  2. off-site improvements to downstream drainage facilities and infrastructure as necessary to accommodate additional runoff from the site.
- E. A stormwater management and erosion control plan is required for development proposals with over 0.2 acres disturbed, prepared or certified by a licensed professional engineer, or a certified professional in erosion and sediment control, as necessary to determine conformance with these regulations. The plan shall incorporate best management practices as recommended by the state in the most recent editions of the "Vermont Stormwater Management Manual" and the "Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites" or similar state-issued publications.
- F. The Publics Works Director, ZA and/or DRB may also require, as necessary to ensure conformance with these regulations:
  1. Project phasing as necessary to minimize the extent of soil disturbance and erosion during each phase of development.
  2. Increased surface water and wetland setback distances and buffer areas (under [Section 4.8](#)) and/or the submission and implementation of a buffer management plan to protect surface waters and wetlands from accelerated runoff, soil erosion and sedimentation.
  3. Drainage easements or City approvals as necessary to accommodate drainage directed onto adjoining properties or public rights-of-way.
  4. Documentation that state stormwater and construction permits have been obtained, which may also serve as documentation of compliance with applicable requirements of these regulations.

## SECTION 4.16 UTILITY INFRASTRUCTURE & PUBLIC FACILITIES

- A. **Intent.** Proposed development shall be adequately served by utilities and facilities and shall not create an undue burden on existing and planned public facilities.
- B. **Applicability.** The regulations in this section shall apply to development in all Zoning Districts.
- C. **Fire Protection.** The applicant shall demonstrate to the satisfaction of the ZA or DRB that adequate fire protection exists to serve the proposed development. The ZA or DRB, in consultation with the Winooski Fire Marshall, may require that the applicant provide adequate distribution facilities for fire protection in accordance with department specifications. If required, the applicant shall install fire hydrants as required by the DRB to serve the development, and shall ensure adequate access to developed lots and buildings for emergency response vehicles.
- D. **Other Municipal Services.** The applicant shall demonstrate to the satisfaction of the ZA or DRB that adequate school, and emergency services exist to serve the proposed development. The applicant shall consult with appropriate municipal and school officials and emergency service providers to determine whether adequate capacity exists to serve the development. In addition:
1. For major subdivisions or site plans or developments, the DRB may require, as a condition of preliminary subdivision approval, that the applicant submit documentation from appropriate officials, or a fiscal impact analysis to be paid for by the applicant, that identifies potential impacts of the subdivision on public facilities and services and methods for mitigating such impacts, which may include the phasing of development in accordance with a duly adopted capital budget and program.
- E. **Water and Wastewater.** The applicant shall demonstrate to the satisfaction of the ZA or DRB that adequate potable water supplies exist, and that adequate wastewater system capacities exist to serve the proposed development in accordance with the Winooski Water/Wastewater Ordinance. In addition:
1. Applicants shall provide a State Wastewater and Potable Water Supply Permit.
  2. All applicable connection fees shall be submitted in accordance with the requirements of the Winooski Water/Wastewater Ordinance.
  3. Final as-builts of all infrastructure associated with connection to the Winooski Water/Wastewater system shall be submitted prior to certificate of occupancy, or in accordance with the Winooski Water/Wastewater Ordinance.
  4. Any new public infrastructure shall be built and coordinated with the City in accordance with the Winooski Water/Wastewater Ordinance and Public Works Specifications.
- F. **Utilities.** The applicant shall demonstrate to the satisfaction of the ZA or DRB that adequate utilities, including but not limited to electric and gas, or alternative energy supplies, exist to serve the development. The location of all existing and proposed utilities, including but not limited to electric, gas, telephone, and cable television utilities, shall be shown on the development application. In addition:
1. All new service utilities associated with development shall be located underground.
  2. The applicant shall coordinate the development design with utility companies to ensure that suitable areas are available for above ground or underground installation, within and adjacent to the proposed development. Utility easements of sufficient width shall be provided to serve both the proposed development, and future service extensions to adjoining properties. Such easements shall be identified on the final subdivision plat or site plan.
  3. Utility corridors shall be shared with other utility and/or transportation corridors where feasible, and be located to minimize site disturbance, adverse impacts to public health and safety, and to significant natural, cultural and scenic resources, in accordance with [Section 4.8](#).



## ARTICLE V – SPECIFIC USE STANDARDS

### SECTION 5.1 ACCESSORY DWELLING

A. Accessory dwelling units are a permitted use in all districts where single-unit detached dwellings are permitted. An accessory dwelling unit is an efficiency or one-bedroom apartment that is part of or detached from a single-unit owner-occupied dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

1. The property has a sufficient wastewater allocation;
2. The accessory unit does not exceed thirty (30) percent of the total habitable floor area of the single-unit dwelling; and,
3. Setback, coverage, and off-street parking requirements specified in the bylaws are met.

B. A Zoning Permit is required for any accessory dwelling unit. In addition, it shall require Conditional Use approval if it involves or requires any of the following:

1. Construction of an addition or new accessory structure;
2. An increase in the building height or habitable floor area of the existing dwelling; or
3. An increase in the dimensions of the parking area.

C. At time of sale or transfer of title the accessory residential use shall continue provided that one of the dwelling units is and remains owner-occupied.

### SECTION 5.2 DAY CARE FACILITY (HOME CHILD CARE, DAY CARE FACILITY)

A. A home child care business, the owner of which is licensed or registered by the state, which serves no more than six children shall be considered a permitted accessory use to single-unit dwellings. A zoning permit shall be required under [Section 6.10](#) only for purposes of documenting and recording the use in the land records of the city. A home child care business that serves no more than six full time and four part-time children, is a permitted accessory use to single-unit dwellings, but shall be subject to site plan review under [Section 6.6](#), prior to the issuance of a zoning permit.

B. A state-licensed nonresidential child care or adult day care facility may be allowed in Gateway, C-1, C-3, DC and I zoning districts subject to site plan review under [Section 6.6](#), except Gateway and DC (see Appendix B and C for those review procedures).

### SECTION 5.3 FILLING OR REMOVAL WITH EARTH PRODUCTS

A. In any district the removal or filling with loam, gravel, stone, fill, topsoil or other similar materials, except when incidental to or in connection with the construction of a building on the same lot, shall be permitted only upon issuance of a permit from the ZA. Any removal or filling incidental to or in connection with the construction of a building on the same lot shall be considered development. In considering such a permit the ZA may consider and impose conditions relating to the following factors:

1. Depth of excavation, especially in proximity to roads or adjacent properties.

2. Existing grade and proposed grade created by this removal or addition of material.
  3. Effect upon public health, safety and welfare.
  4. Erosion potential due to removal of vegetative cover.
  5. Slope stability problems created by the activity.
  6. Effect upon use of adjacent properties by reason of noise, dust or vibrations.
  7. Effect upon traffic hazards in residential areas or excessive congestion or physical damage on public ways.
- B. Permit Conditions. When issuing a zoning permit, the ZA may:
1. Limit the duration of the permit to any length of time deemed appropriate;
  2. Require the submission of an acceptable plan for the rehabilitation of the site at the conclusion of operations;
  3. Limit the hours of operation, routes of transportation or materials removed; and
  4. Require a suitable bond or escrow deposit to assure compliance with provisions of this Section for the proper rehabilitation of the site.
- C. Any such activity proposed for the floodplain shall be permitted only if it meets regulations in **Appendix A: Inundation Hazard Area Regulations**.

#### SECTION 5.4 GARAGE SALES

- A. Garage sales are permitted provided such sales conform to the following provisions:
1. One garage sale not to exceed ten consecutive days, or two garage sales not exceed 72 hours each shall be permitted per residential unit in one calendar year.
  2. One temporary sign per garage sale is permitted on the property provided that such sign conforms to **Section 4.14.F** of this ordinance. Such sign shall not create a public hazard. The ZA may remove or cause to be removed any unsafe sign.
  3. The ZA shall request the cessation of any non-conforming garage sale.

#### SECTION 5.5 GAS STATION AND FUEL SALES

- A. Gas Stations and fuel sales are only allowed in the Gateway Zoning Districts and are subject to review and approval under **Appendix B** of these regulations.
- B. Sale of fuel is not an allowed accessory use of convenience stores.

#### SECTION 5.6 GROUP, BOARDING AND RESIDENTIAL CARE HOMES

A residential care home or group home, to be operated under state licensing or registration, serving not more than eight (8) persons who have a handicap or disability as defined in 9 VSA § 4501, shall be considered a permitted single-unit residential use of property. A zoning permit shall be required to document and record the use in the land records of the city. A residential care home or group home within 1,000 feet of another existing or permitted home shall be subject to Conditional Use Review and approval, prior to the issuance of a zoning permit.

#### SECTION 5.7 HOME OCCUPATION



A. Customary home occupations are permitted residential accessory uses in all districts. Nothing in this regulation shall infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not change the character thereof, and which meets the following standards:

1. The home occupation shall be carried on wholly within the principal dwelling;
2. The home occupation shall be carried on by residents of the household and no more than one non-household employee;
3. No exterior displays or signs or other advertising material shall be permitted, accept as allowed under **Section 4.14** of this regulation;
4. Exterior storage of material shall not be permitted and the home occupation shall not include servicing of motorized vehicles or motorized equipment;
5. No traffic shall be generated in greater volumes than would normally be expected in the neighborhood;
6. No objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare shall be produced;
7. The home occupation shall not utilize more than twenty-five percent (25%) of the total square footage of the dwelling.

## SECTION 5.8 MOBILE HOME PARK

A. In accordance with the Act [§ 4412(1)], these regulations shall not have the effect of excluding mobile homes and mobile home parks from the city. For the purposes of this ordinance, all mobile homes used for residential purposes shall be considered single-family detached dwellings. Mobile home parks shall be allowed where all single family homes are allowed, and constructed and operated in accordance with 10 V.S.A. Chapter 153. Each mobile home in a mobile home park shall meet the requirements of this ordinance applicable to single-family detached dwellings.

## SECTION 5.9 NEIGHBORHOOD COMMERCIAL USES

- A. Neighborhood Commercial Uses. Neighborhood commercial uses are intended to primarily serve the nearby residential area in the R-B and R-C zoning districts subject to the following:
1. Neighborhood commercial uses shall be limited to a single story on the street level of any structure.
  2. Neighborhood commercial uses shall be treated as a conditional use.
  3. The neighborhood commercial use shall be counted against the property's allowable residential density; every 1,000 ft<sup>2</sup> counts as one residential unit or portion thereof.
  4. The sale of fuel for motor vehicles, or new or expanded gas station canopies, servicing of motor vehicles, and exterior storage of material shall be prohibited.
  5. Hours of operation shall be limited to 6:00am to 11:00pm seven days per week. Any expansion in the hours of operation of an existing neighborhood commercial use shall require conditional use review by the DRB.
  6. All building height and setback requirements for the underlying residential district shall apply, and the lot coverage shall not exceed 60%.
  7. Signage shall be subject to **Section 4.14** of this regulation.
  8. No objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare shall be produced.
  9. Home occupations as defined and regulated under this article are not restricted by the provisions of this section.

## SECTION 5.10 PROTECTED USES, PUBLIC FACILITY

A. The following uses may be regulated only with respect to the location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

1. State- or community-owned and operated institutions and facilities.
2. Public and private schools and other educational institutions certified by the state department of education.
3. Churches and other places of worship, convents, and parish houses.
4. Public and private hospitals.
5. Regional solid waste management facilities certified under 10 VSA Chapter 159.
6. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 VSA § 6606(a).

## SECTION 5.11 SWIMMING POOLS

A. Outdoor swimming pools are permitted and shall be considered accessory use provided they conform to the following requirements:

1. Such a swimming pool shall be located within the dimensional setback requirements applicable to the district in which the pool is to be located;
2. Such a swimming pool shall be completely enclosed by a wall, fence or other substantial structure adequate to prevent the accessibility to the pool by small children;
3. The owner obtains an electrical permit detailing the installation of electrical appliances for such a swimming pool; and
4. No swimming pool be constructed on a required front yard.

## SECTION 5.12 TEMPORARY STRUCTURES

A. Temporary Structures in Residential Districts. Temporary structures shall be considered residential accessory uses when they are incidental to the principal residential use or structure located on a residential lot. Any temporary structure with a permanent foundation or which exceeds 100 square feet shall conform to the requirements of this regulation for the district in which it is located.

B. Temporary Structures in All Other Districts. Temporary structures shall be considered accessory uses when they are incidental to the principal use or structure located on a lot. The DRB may grant conditional use approval for a temporary non-conforming use provided that the use is in conformance with the following provisions:

1. That such a use is incidental to the development of a neighborhood or project.
2. That a bond or an escrow account has been properly filed with the City Manager conditional upon the payment to the City of the costs of the removal of such a building or use upon the revocation or the expiration of such a permit if such a use or building is not removed by the owner within the permit period.
3. That conditional use approval for such a use shall limit the period of time to a maximum of one (1) year; and

4. That, upon application, the DRB may grant an extension for one (1) year, provided that the total time for any such permit and extensions shall not exceed two (2) years.

## SECTION 5.13 VEHICLE SERVICE & SALES

A. **Motor Vehicle Service and Sales.** The display of three or more vehicles for sale at any time on a property shall be considered a commercial motor vehicle sales establishment allowed within designated zoning districts in accordance with Table 2.4, and all other applicable requirements of these regulations. The occasional and temporary display for sale of up to two motor vehicles on a lot, which are owned by the resident or property owner, are exempted from these regulations.

B. In addition to applicable sections of Article IV, site plan standards and, if required, conditional use standards, commercial motor vehicle service and sales establishments must also meet the following requirements:

1. No more than ten vehicles for sale or lease may be parked in outdoor display areas at anytime.
2. Motor vehicles intended for sale or lease shall be displayed in an enclosed building or within a designated exterior display area approved by the DRB that meets required side and rear setbacks for the district in which it is located. Exterior display areas may be located within the front setback area, however no vehicle shall be parked within a public right-of-way.
3. The DRB may require landscaping and/or fencing as it deems appropriate for public safety, and to screen exterior display areas from adjoining properties.
4. Vehicles scheduled for repair shall be parked within an enclosed structure or within a designated yard or parking area approved by the DRB, which meets all setback requirements for the district in which it is located and shall be located to the side or the rear of the garage or maintenance building. The Board may require landscaping and/or fencing as it deems appropriate for public safety, and to screen the yard or parking area year-round from adjoining properties and public rights-of-way.
5. No more than three unregistered vehicles shall be stored on-site unless the property is a licensed salvage yard.
6. All maintenance and repair work shall be conducted within an enclosed structure which meets all applicable municipal and state regulations for water supply, wastewater and waste disposal.
7. Fuel and hazardous materials stored and used on the premises shall be limited to those materials necessary for the operation of the business, and shall be stored in an enclosed and secure structure in accordance with all applicable state and federal regulations.

## ARTICLE VI – DEVELOPMENT REVIEW PROCEDURES

**Introduction:** No land development or subdivision of land, as defined under **Article IX**, may commence in the City of Winooski until all applicable municipal land use permits and approvals have been issued as provided for under the Act [§ 4446] and these regulations, unless the development is specifically exempted from municipal regulation under **Section 6.13**. This Article of the Winooski Zoning Regulations provides a comprehensive overview of development review procedures that apply to all types of development throughout the city: subdivision and other land conveyances, planned unit developments, site plan, conditional use, variance, appeal, zoning permit and certificate of compliance/occupancy. This Article also identifies uses and structures that are exempt from Winooski development review.

**A. Permit Requirements.** Municipal land use permits and approvals under these regulations include:

1. **Zoning permits** issued by the ZA under **Section 6.10** for all development.
2. **Site plan approval** issued by the DRB under **Section 6.6** for all permitted uses that require site plan review.
3. **Conditional use approval** issued by the DRB under **Section 6.7** for all conditional uses listed under Article II, and for other development as specified in these regulations.
4. **Subdivision approvals** issued by the DRB under **Section 6.2** for the subdivision or re-subdivision of land.
5. **Planned unit development (PUD) approval** under **Section 6.3** for planned development.
6. **Certificates of occupancy** issued by the ZA under **Section 6.12**, for development for which a zoning permit has been issued prior to occupancy or use.

**B. Additional Permits and Approvals.** Additional municipal, state and federal permits or approvals may be required for activities associated with land development and subdivision including, but not limited to the following:

1. Highway Access Permits issued by the Public Works Department and/or City Council to access or work within town highway rights-of-way, or the Vermont Agency of Transportation (VTrans) to access or work within state right-of-ways.
2. City building permits, water/wastewater allocations and connection permits, sewer connection permits issued by the Building Code Officer, Public Works Director and/or the City Fire Marshall.
3. A variety of state permits or certifications including but not limited to: wastewater (septic) system and potable water supply permits, construction and stormwater permits, wetlands permits, stream alteration or crossing permits, public health and safety permits, child care facility licenses and Act 250 permits.
  - a. As required under the Act [§ 4449(e)], municipal application forms and municipal land use permits or approvals issued under these regulations shall include a statement, in content and form approved by the Secretary of the Agency of Natural Resources, that state permits may be required and that the applicant or permittee should contact the state's regional permit specialist or individual state agencies to determine which state permits must be obtained before any construction may commence.
  - b. The ZA or DRB may require that an applicant submit a state project review sheet with their application that identifies state and federal permits to be obtained by the applicant.

4. Documentation that state, federal and other municipal permits and approvals have been obtained by the applicant may be required, as applicable, prior to:
  - a. the issuance of a certificate of occupancy under **Section 6.12**;
  - b. submitting an application for final subdivision review under **Section 6.2**, unless waived by the DRB; and
  - c. recording a subdivision plat in the land records of the City under **Section 6.2**.

## SECTION 6.1 PRE-APPLICATION MEETING

- A. **Intent.** All applicants or their authorized agents are encouraged to meet with the ZA prior to filing an application for any type of development in the City. The purpose of this meeting is to provide the applicant with the necessary forms and information needed to file a complete application, and to discuss review procedures and requirements.
- B. At this meeting, the ZA will:
  - a. Review and discuss the proposed development with the applicant to classify the development review process needed under these regulations, and to help identify options for design that best meet the needs of the applicant and the requirements of these regulations.
  - b. Provide application forms and checklists, and identify for the applicant what materials will be needed to file a complete application for referral to the DRB, before site visits and hearings can be scheduled.
  - c. Explain the timing requirements for submissions, hearings, decisions, and plat recording.
  - d. Identify any other applicable city ordinances and permit requirements that pertain to the development, and recommend that the applicant address these requirements in design.
  - e. Direct the applicant to contact the state's Regional Permit Specialist to complete a state project review sheet that identifies state or federal permits that also may be required.
- C. **Meeting Follow-up.** Within 15 business days of the meeting, the ZA will issue a written letter to the applicant that:
  - a. summarizes the content of the meeting, including issues to be addressed in the application;
  - b. classifies the type of development; and
  - c. outlines the requirements for the submission of a complete application.

## SECTION 6.2 SUBDIVISIONS

- A. **Purpose.** Subdivision regulations, in accordance with the Act [§ 4418], are intended to address the relocation of property boundaries, the creation of new lots, and the recording of plats in the City Land Records. Subdivision review and approval by the DRB ensures that lots meet applicable zoning district requirements and are suited for their intended use. Often, but not always, land development that creates new lots also includes the placement of buildings and other site improvements. The specific regulation and review of such buildings and site improvements are elsewhere in this ordinance.
- B. **Applicability.** These regulations shall apply to all subdivisions of land, as defined under **Article IX**, that are located within the City of Winooski. No land shall be subdivided within the city until the applicant has obtained final subdivision approval from the DRB and the approved subdivision plat is recorded in the Winooski land records. Subdivision approval by the DRB is required prior to:

1. The transfer, sale or long-term lease of title to property (as defined under 32 V.S.A. § 9601) of any portion of an existing lot. See **C.2** below for exemptions.
2. Predevelopment site work, including site clearing, grading, and the construction or installation of infrastructure or other site improvements that are intended to serve more than one lot (excluding forestry, agricultural, and land surveying activities).
3. Recording a subdivision plat or the deed for subdivided lot in the land records of the city.
4. Applying for a zoning permit to develop a subdivided lot.

**C. Exemptions.** The following are exempt from subdivision review under these regulations:

1. Rights-of-way or easements that do not result in the subdivision of land.
2. Condominium developments, footprint lots, and other similar ownership structures, on one parcel of land shall require Site Plan review and approval, not Subdivision review and approval.
3. Revisions to existing lot lines in accordance with **Section 6.4**.
4. A parcel or portion of a parcel of land leased for agriculture or forestry that does not require the sale or transfer of land, or the establishment of permanent roads, infrastructure or structures.

**D. Classification of Subdivisions.** For purposes of these regulations, subdivisions of land will be classified by the ZA as either "minor" or "major" subdivisions as follows:

1. Minor subdivisions include:
  - a. The subdivision of land or the re-subdivision of a previously subdivided lot which results in the creation of no more than three lots including previously subdivided lots, regardless of any change in ownership; and which does not require the installation or extension of a road or municipal utilities.
  - b. An amendment to an approved subdivision or subdivision plat that does not substantially or materially alter findings and prior conditions of subdivision approval.
2. Major subdivisions include:

- a. The subdivision of land or re-subdivision of a previously subdivided lot which results in a total of four or more lots including previously subdivided lots, or requires the installation or extension of a road right-of-way or municipal utilities.
- b. An amendment to a previously approved major subdivision which alters the number of lots, the density of development, the location of building envelopes, rights-of-way or easements, or otherwise substantially or materially alters the findings, terms or conditions of prior subdivision approval.
- c. All planned unit developments under **Section 6.3**.

**E. Modifications & Waivers.** The DRB may waive any standard under this article that it determines does not apply to a particular subdivision.

- 1. In accordance with the Act [§ 4418(2)], the DRB also may modify or waive a standard under this article, subject to conditions if it determines that, due to circumstances specific to a particular application:
  - a. The standard is not requisite in the interest of the public health, safety and general welfare, or the standard is inappropriate because of the inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision; and
  - b. The modification or waiver will not nullify the intent and purpose of these regulations, the Winooski Municipal Development Plan, or other city bylaws and ordinances in effect at the time of application.
- 2. Requests for modifications or waivers under this section shall be submitted by the applicant in writing with the application for preliminary or final subdivision review. The applicant must provide sufficient information for the DRB to make findings that justify the modification or waiver, with or without conditions.
- 3. The DRB may require an independent technical review of a proposed modification or waiver, as specified under Subsection B above, that identifies related impacts and mitigation measures that may be incorporated under associated conditions of approval.
- 4. In granting a modification or waiver, the DRB shall make explicit findings that:
  - a. Specify the circumstances that justify granting a modification or waiver.
  - b. State how granting the modification or waiver will not nullify the intent and purpose of these regulations or the Winooski Municipal Development Plan, including the plan's stated goals and objectives for the relevant zoning district(s), and other regulations in effect at the time of application.
  - c. State what conditions, if any, shall be required of the applicant in exchange for granting the modification or waiver, as necessary to mitigate adverse impacts.

**F. Additional Information.** The DRB may require, as necessary to assist in its evaluation and determine project conformance with these standards:



1. Written disclosure of the intended use of land to be subdivided and general plans for the subsequent development of any land to be retained by the owner or applicant when only a portion of an existing parcel is to be subdivided.
2. The submission of additional information or studies under one or more standards of review, including an independent technical review prepared by a qualified professional retained by the DRB and paid for by the applicant.
3. The modification of subdivision lot layout and design, the phasing of development, or other reasonable and necessary measures to avoid or mitigate undue adverse impacts resulting from the proposed subdivision and subsequent development of subdivided lots.

**G. Coordination of Review.** Subdivision review and approval by the DRB is required prior to site plan or conditional use review by the DRB or the issuance of zoning permits for the subsequent development of subdivided lots. The conditions of subdivision approval shall apply under subsequent review processes. However, site plan or conditional use review may be conducted concurrently by the DRB with final subdivision review.

**H. General Standards.** All land to be subdivided shall be suitable for the intended use and proposed density of development. The subdivision shall not result in undue adverse impacts to public health and safety, the natural environment, neighboring properties and uses, or the character of the area in which it is located. Subdivision applications shall be reviewed for compliance with the following standards:

1. **Development Density.** The allowed density of development within a subdivision shall be calculated by dividing the total land area to be subdivided, excluding existing and proposed road rights-of-way, by the minimum lot size specified for the zoning district(s) in which the subdivision is located (see Article II), except as modified for planned unit developments under **Section 6.3**.
2. **Existing Site Conditions.** Subdivision layout and design, to the extent physically feasible, shall incorporate and avoid undue adverse impacts to significant natural, historic and scenic resources identified from the Winooski Municipal Development Plan, maps and related inventories, or through site investigation in accordance with **Section 4.8**, the **Historic Structure Section of Design Review in Section 4.4**, and other relevant sections of these regulations.
3. **Winooski Municipal Development Plan & Regulations.** Subdivisions shall conform to clearly stated policies and objectives in the Winooski Municipal Development Plan as most recently amended, other provisions of these regulations, adopted capital improvement programs, and other city bylaws, ordinances and regulations in effect at the time of application.
4. **District Settlement Patterns.** A subdivision shall be designed and configured to reflect the desired settlement pattern for the zoning district(s) in which it is located, as defined under Article II and the Winooski Municipal Development Plan. To this end, the following standards shall apply to subdivisions within respective zoning districts:

- a. **Residential Zoning Districts.** Subdivision within this district shall be designed and configured to reinforce a compact residential, pedestrian scale and pattern of development. Lots and building envelopes shall be sized and located to maintain a consistent building line and streetscape along roads, and to maintain privacy in the rear. Subdivisions in this district also shall be designed to incorporate, extend, or connect to existing roads, sidewalks and utility corridors. Sidewalks and other pedestrian facilities shall be provided where physically feasible; new roads in these districts shall be designed to maximize pedestrian and bicycle safety and circulation.
  - b. **Commercial Zoning Districts.** Subdivision within this district shall be designed and configured to reinforce a compact, multistory commercial, residential and/or mixed use, pedestrian scale and pattern of development. Lots and building envelopes shall be sized and located to place buildings at the sidewalk with entrances and windows across the FACADE. Lots adjacent to residential zoning districts shall maintain a buffer to ease the transition from high intensity commercial districts to the residential districts. Subdivisions in this district also shall be designed to incorporate, extend, or connect to existing roads, sidewalks and utility corridors. Sidewalks, pedestrian and bike facilities shall be provided where physically feasible; and new roads in these districts shall be designed to maximize pedestrian and bicycle safety and circulation. Parking shall be placed behind buildings as best as possible. Parking shall be placed either behind, within, or to the side of structures. Any development within the Downtown Core district is subject to the Master Plan as described in **Article II**.
  - c. **Industrial Zoning Districts.** Subdivisions within the Industrial Districts shall be designed and configured to avoid undue adverse impacts to existing natural resources. Lots adjacent to residential zoning districts shall maintain a buffer to ease the transition from industrial uses to residential uses. Subdivisions in this district also shall be designed to incorporate, extend, or connect to existing roads, sidewalks and utility corridors. Sidewalks, pedestrian facilities, bike facilities shall be provided where physically feasible; and new roads in these districts shall be designed to maximize pedestrian and bicycle safety and circulation. Parking shall be placed behind buildings to the extent possible.
5. **Lot Layout.** Lots and lot layouts shall be configured to:
- a. be suitable for their intended use, for subsequent development (building lots) or for public use or common open space areas;
  - b. conform to desired district settlement patterns, as required under **Subsection H.4**;
  - c. meet minimum lot size and density requirements under Article II, except as modified for planned unit developments under **Section 6.3**;
  - d. avoid irregularly shaped lots (e.g., with curves, jogs, dog-legs, etc.), unless warranted due to topographic or other physical site constraints, or to minimize the fragmentation of natural, scenic or cultural resources under **Section 4.8**.
6. **Building Envelopes.** The designation of building envelopes to limit the location of structures, parking areas, and associated site improvements to one or more portions of a lot shall be required for all subdivided lots, as shown on the subdivision plat. The location, size and shape of each building envelope shall be established in accordance with

these regulations, including zoning district requirements under Article II, and resource protection standards under [Section 4.8](#). The DRB also may require the identification of specific building locations (footprints) if, in its judgment, such information is needed to determine conformance with these regulations.

7. **Survey Monuments.** The locations of all proposed permanent surveying monuments and corner markers, as required under the Rules of the Board of Land Surveyors, shall be identified on the final subdivision plat. The DRB may also require that the corner points of designated building envelopes be marked on the ground with iron pins and identified on the final subdivision plat.
8. **Landscaping & Screening.** Landscaping and screening shall be provided, in accordance with [Section 4.7](#).
9. **Energy Conservation.** Subdivision design and layout, to the extent physically feasible, should encourage energy efficient design by:
  - a. Locating and orienting sites (e.g., building lots, envelopes) to maximize southern exposures where available, and solar access for solar energy and heating systems.
  - b. Clustering development (e.g., building lots, envelopes) to minimize road and utility line extensions and to allow for group net-metering.
  - c. Incorporating existing topography, natural vegetation and landscaping to provide wind breaks, seasonal shade and solar access, and to reduce building heating and cooling needs.
10. **Common Open Space Areas.** The location, size and shape of lands set aside to be preserved and managed as common open space areas shall be suitable for their intended purpose and use and approved by the DRB, in accordance with [Section 4.8](#).
11. **Stormwater Management and Erosion Control.** Temporary and permanent stormwater management and erosion control measures shall be used during all phases of subdivision development as necessary to limit surface runoff and erosion, protect water quality and to avoid damage to downstream properties in conformance with [Section 4.15](#). In addition, building envelopes, driveways, road and utility corridors shall be located to minimize site disturbance on steep slopes (15% or more) and, to the greatest extent feasible, avoid site disturbance on very steep slopes (25% or more) in accordance with [Section 4.8](#).
12. **Access & Driveways.** Access to the subdivision and to individual lots within the subdivision shall at minimum meet the requirements of [Section 4.2 \(Access\)](#) and the relevant sub-parts of [Section 4.10 \(Parking\)](#), and the following:
  - a. All lots created after the effective date of these regulations that are intended for development must meet minimum applicable frontage requirements along public road rights-of-way for the district(s) in which they are located unless modified or waived by the DRB for planned unit development under Article IX. The DRB may also reduce or waive district lot frontage requirements for:
    - i. minor (up to three lot) subdivisions accessed by a shared driveway; or

ii. lots that will be maintained in perpetuity as undeveloped open land to be used only for passive outdoor recreation or resource conservation.

- b. Access permits, as required under **Section 4.2**, are required prior to filing an application for final subdivision review.
  - c. Access to a subdivision shall conform to adopted state or municipal access management plans and capital improvement plans. Planned highway and access improvements, including proposed rights-of-way, shall be incorporated in subdivision design. Right-of-way reservations may be required as necessary to accommodate planned improvements.
13. **Driveways.** Driveways serving minor subdivisions of three or fewer lots shall meet the requirements of **Section 4.2** and the Winooski Public Works Specifications in effect at the time of application. For the purposes of these regulations, driveways serving four or more lots shall be considered development roads subject to the requirements of **Subsection H.14**.
14. **Development Roads.** The following road standards shall apply to all rights-of-way serving or accessing four or more lots. Roads shall be considered private roads until such time as they are accepted by the City of Winooski as a public road in accordance with adopted city road policies, ordinances and state statutes.
- a. **Layout.** To promote safety, to facilitate traffic flow and emergency vehicle access, and to protect significant resources, roads shall, to the extent physically feasible, be laid out to:
    - i. Provide a right-of-way for access to adjacent lots for future development.
    - ii. Follow existing linear features where physically feasible (e.g., utility corridors, tree and fence lines), and meet other requirements for the protection of identified resource and hazard areas under **Section 4.8**.
    - iii. Logically relate to topography, following contour elevations, to minimize the amount of cut and fill required and to maintain reasonable finished grades and safe intersections.
    - iv. Extend or connect to existing or planned roads adjoining the subdivision, under joint agreement or in common or public ownership.
15. **Improvements.** The proposed subdivision shall not unduly burden town or state highways, including roads and intersections in the vicinity of the project. Any highway access, drainage, lane, or other infrastructure or traffic control improvements necessitated by the proposed subdivision shall be paid for and installed by the applicant, unless otherwise approved by the DRB in consultation with the City Council or state highway officials. The DRB also may require as conditions of approval, as necessary to ensure compliance with these regulations:
- a. Performance bonding or other form of surety acceptable to the City Council to ensure that required road, intersection and related infrastructure improvements are installed as approved by the DRB.
  - b. The phasing of development in relation to planned state or municipal transportation infrastructure improvements included in adopted capital improvement programs.

- c. A development agreement approved by the City Council governing the timing, installation and any agreed upon cost-sharing arrangements between the subdivider and the city or other affected property owners.
16. **Names, Signs and 911 Locator Numbers.** Road names shall be approved by the Winooski City Council as part of the subdivision process. Approved road names and assigned 911 locator numbers for each parcel shall be clearly depicted on the final plat, and identified on signs approved by the ZA.
17. **Transit Facilities.** The DRB may require that subdivisions located on existing or planned transit routes, including school bus routes, incorporate a sheltered transit or bus stop in subdivision design.
18. **Public Facilities & Utilities.** The DRB shall find that the proposed subdivision does not create an undue burden on existing and planned public facilities in accordance with **Section 4.16**. The applicant and DRB may consult with appropriate municipal and school officials and emergency service providers to determine whether adequate capacity exists to serve the subdivision.
19. **Legal Requirements.**
- a. Common open space areas may be held in common ownership or in separate individual ownership from contiguous parcels. At minimum, land designated as common open space areas shall be indicated with appropriate notation on the final subdivision plat. In addition, the DRB may consider, as required for long-term protection:
    - i. A restriction prohibiting the further subdivision of a conserved lot or other protected open space area, as noted on the final plat and in accompanying legal documentation.
    - ii. The dedication of such land, either in fee or through a conservation easement approved by the DRB, to the municipality, an owners' association comprised of all present or future owners of subdivided lots, the applicant, and/or a nonprofit conservation organization with the demonstrated capacity and qualifications to manage conservation easements.
  - b. The applicant shall provide documentation and assurances that all required improvements, associated rights-of-way and easements, and other common lands or facilities will be adequately maintained in accordance with an approved management plan, either by the applicant, an owners' association, or through other legal means acceptable to the DRB. Draft management plans and documentation must be submitted with the application for final subdivision review, for approval by the DRB. The DRB may forward submitted documentation to the City Council and City attorney for review. All legal documents, as approved by the DRB, shall be filed in the land records of the City in association with recording the final subdivision plat.
  - c. All required improvements shall be constructed to approved specifications in accordance with a construction schedule approved by the DRB. The DRB may require the issuance of a Certificate of Compliance to ensure that all such improvements are completed prior to the issuance of zoning permits for the subsequent development of subdivided lots.

**I. Sketch Plan Review.**

1. Sketch plan review is an informal, pre-application review process intended to acquaint the DRB with a proposed subdivision during the conceptual stage of the design process, before the applicant incurs significant expense in preparing a formal application. As such, the sketch plan review process and letter do not bind the municipality or the applicant, and are not subject to appeal under **Section 6.9**. This informal review and discussion at a regular meeting of the DRB helps identify the type of subdivision and subdivision layout that will best meet the needs of the subdivider and the requirements of these regulations. An applicant is required to submit a sketch plan prior to the submission of a formal application to the DRB. At minimum, the following will be addressed at the Sketch Plan review:
  - a. Consider whether the subdivision, as initially proposed, would be classified as a major or minor subdivision, or planned unit development to be reviewed as a major subdivision.
  - b. Discuss the subdivision review process and any proposed waivers requested by the applicant.
  - c. Discuss the proposed subdivision's general conformance with the Municipal Plan, these regulations, and any other municipal regulations, ordinances or capital improvement programs currently in effect.
2. **Sketch Plan Submissions.** An applicant shall submit:
  - a. One original and six copies of a sketch of the proposed subdivision;
  - b. A brief project description that generally addresses applicable sections under **Subsection 6.2.H** (Subdivision General Standards);
  - c. A description of any proposed modifications or waivers under applicable standards;
  - d. A list of abutting property owners;
  - e. Application fees; and
  - f. An electronic submission of all of the these materials.
3. **Sketch Plan Meetings.** The ZA shall schedule time at the next available regular meeting of the DRB to consider the sketch plan, and will notify the applicant and adjoining property owners in writing of the date and time of the meeting.
  - a. The applicant, or his or her duly authorized representative, shall attend the sketch plan meeting to present and discuss the proposed plan with the DRB.
  - b. The DRB may request additional meetings with the applicant as needed to fully review the sketch plan, which may include a site visit with the applicant to examine the land proposed for subdivision.
4. **Sketch Plan Letter.** Within 15 days of the date of the final sketch plan meeting, the DRB shall issue a sketch plan letter that, based on available information:
  - a. Indicates whether the subdivision as proposed would be reviewed as a minor or major subdivision, or planned unit development, and outlines the associated review process.
  - b. Indicates whether the proposed subdivision generally conforms to these regulations, or will require modifications to conform to the regulations.

- c. Identifies specific areas of concern to be addressed in subdivision application, including potential impacts to adjoining property owners, significant natural or scenic resources, municipal roads and infrastructure, and community facilities and services.
  - d. Recommends additional information, studies or supporting documentation to be submitted with the application for subdivision review.
5. **Effect of Sketch Plan Review.** Sketch plan review is intended to provide guidance to the applicant on a proposed subdivision, based on preliminary information submitted by the applicant. As such, the sketch plan review process and letter do not bind the municipality or the applicant, and are not subject to appeal under **Section 6.9**. Sketch plan letter recommendations remain in effect for one year from the date of issuance. If an application is not filed within the year, another sketch plan review shall be required.
- J. Preliminary & Final Subdivision Application Requirements.**
1. **Application Requirements.** Applications for preliminary and final subdivision review shall be submitted to the ZA on forms provided by the City, as specified for each step of the subdivision review process.
- a. Applications shall include required fees, information specified in application checklists and ZA correspondence, and any written requests to waive or modify specific subdivision review standards under **Section 6.8** of these regulations.
  - b. The ZA shall refer complete applications to the DRB and, for preliminary subdivision review or for final subdivision review if no preliminary subdivision review will be required, copies of application information and public hearing notices to the following for review and comment:
    - i. City departments, including but not necessarily limited to the Public Works Community Services, and Police and Fire Departments.
    - ii. The clerk of the adjoining municipality for a subdivision located within 500 feet of a municipal boundary.
    - iii. The Vermont Agency of Transportation for a subdivision located on or accessed from a state highway.
    - iv. The Vermont Agency of Transportation for any requested reductions in front setback requirements from state highway rights-of-way.
    - v. The State National Flood Insurance (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Program, for subdivisions in the Flood Hazard Area District.
  - c. No municipal approval for a subdivision shall be issued until written comments have been received or thirty days have elapsed from the date of referral. The failure of the ZA to notify the above listed parties shall not constitute grounds for appeal.
  - d. The DRB, at any time during the hearing process, may require the applicant or other interested persons to submit additional information, or an independent technical review to be paid for by the applicant or other interested person, as needed to determine project conformance with the standards of these regulations.



## **K. Preliminary Subdivision Review.**

1. **Purpose.** The purpose of preliminary subdivision review is to review a draft subdivision plat and supporting documentation in order to determine preliminary conformance with the municipal plan, these regulations and other municipal ordinances in effect at the time of application; to identify particular issues or concerns associated with a proposed subdivision; to recommend modifications necessary to achieve conformance; and to identify any additional information required for submission for final subdivision review prior to the preparation of a final survey plat, engineering plans and legal documents for the subdivision and related site improvements.
2. **Waiver.** The DRB may waive preliminary subdivision review for any subdivision, including Planned Unit Developments, as recommended under sketch plan review to expedite the hearing process for well planned subdivisions with a combined preliminary and final subdivision review hearing.
3. **Application.** The applicant shall submit one original and six 11" x 17" copies of the draft subdivision plat, required fees, engineering drawings, draft legal documents, and any other required information or supporting documentation identified from application checklists, or as specified by the ZA.
4. **Hearing.** Within 30 days of receipt of a complete preliminary application, the ZA shall schedule a public hearing at its next available meeting, to be warned in accordance with the Act [§ 4464]. The DRB may recess and continue the hearing to a date and time specified, to conduct site visits or to allow for the submission of additional information from the applicant or other interested persons. No additional information or comments will be taken following hearing adjournment.
5. **Decision.** The DRB shall issue written findings and a decision to approve, approve with conditions, or deny the application for preliminary subdivision approval within 45 days of the date of hearing adjournment, in accordance with the Act [§ 4464]. Failure to act within this 45 day period, as decided on appeal, shall be deemed to be approval on the 46th day. The DRB may specify as conditions of preliminary subdivision approval:
  - a. Modifications or changes to the preliminary plat or supporting documentation necessary to achieve compliance with the standards of these regulations.
  - b. Documentation to be submitted with the application for final subdivision review that all other required municipal and state approvals have been obtained.
  - c. Infrastructure improvements and associated easements or other dedications as required to serve the proposed subdivision, or to mitigate off-site impacts resulting from the proposed subdivision, to be installed or paid for by the applicant.
  - d. The submission of additional supporting information including, but not limited to impact studies, legal documents, development agreements, performance bonds or other sureties, for consideration under final subdivision review.

6. **Appeal.** The applicant or another interested person must file any request for reconsideration by the DRB, or an appeal of the DRB decision to the Environmental Division of Superior Court, within 30 days of the date of issuance in accordance with Section 6.9.B.
7. **Effect.** Preliminary subdivision approval is intended to document application and submission requirements for final subdivision review. It does not constitute approval of a subdivision plat for recording in the land records of the City under Section 6.2.M. A preliminary approval shall remain in effect for one year from the date of issuance.

**L. Final Subdivision Review.**

1. **Purpose.** Final subdivision review and approval is required prior to recording a subdivision plat in the land records of the city. The purpose of final subdivision review is to determine final project conformance with the municipal plan, these regulations, and other municipal ordinances in effect at the time of application.
2. **Application.**
  - a. The application for final subdivision review shall be submitted within one year of the date of preliminary approval by the DRB, but not before the initial 30-day appeal period has expired. If an application has not been filed within one year, the applicant will be required to submit a new application for preliminary review under Section 6.2.J.
  - b. The applicant shall submit required fees and one original and six copies of the information specified for final plans and plats, including 11" x 17" copies of the final subdivision plat, engineering drawings and other supporting information and documentation as specified in application checklists and the conditions of preliminary subdivision approval.
3. **Hearing.** Within 30 days of receipt of a complete application, the ZA shall schedule a public hearing at the next available DRB meeting to be warned in accordance with the Act [§ 4464]. The DRB may recess and continue the hearing to a date and time specified to conduct site visits or to allow for the submission of additional information from the applicant or other interested persons. No additional information or comment will be taken following hearing adjournment.
4. **Decision.** The DRB shall issue written findings and a decision to approve, approve with conditions, or deny the application for final subdivision approval within 45 days of the date of hearing adjournment, in accordance with the Act [§ 4464]. Failure to act within this 45 day period, as decided on appeal, shall be deemed to be approval on the 46th day. The DRB may require as conditions of approval:
  - a. Measures necessary to mitigate adverse impacts of the subdivision under the standards of these regulations.
  - b. Subdivision phasing as required to avoid overburdening the available capacity of existing or planned public facilities and infrastructure, in conformance with specific municipal plan policies and adopted capital or transportation improvement programs, and that additional subdivision plans and plats be filed for each phase of development.

- c. Infrastructure improvements and associated easements or other dedications as required to support the proposed subdivision, or to mitigate off-site impacts resulting from the proposed subdivision, to be installed or paid for by the applicant.
  - d. Compliance with the Winooski Public Works Specifications for any infrastructure intended to be dedicated to the City for public ownership.
5. **Appeal.** The applicant or another interested person must file a request for reconsideration by the DRB, or an appeal of a DRB decision to the Environmental Division of Superior Court, within 30 days of the date of issuance in accordance with Section 6.9.B.
6. **Effect.** No subdivision plat shall be recorded in the land records of the City until final subdivision approval has been issued by the DRB and recorded in the land records of the City under Section 6.2.L. Final subdivision approval shall not be construed to constitute acceptance by the City of Winooski of any street, easement, utility, park, recreation area, or other open space shown on the final plat. A formal resolution of the Winooski City Council is required for municipal acceptance of dedications by the applicant, in conformance with adopted city policies, ordinances and state law. Roads shown on an approved plat shall be considered private roads until such time as they may be formally accepted by the Winooski City Council. Final subdivision approval by the DRB shall remain in effect and run with the land, and legally recorded subdivision plats, as approved by the DRB, shall not expire once the plat is recorded as described in Section 6.2.M. For purposes of these regulations, any lot approved by the DRB as part of a planned unit development under Article IX is considered a conforming lot.

#### M. Plat Recording Requirements

- 1. Within 180 days of the date of final subdivision approval by the DRB, or by the courts on appeal, the applicant shall file a Mylar of the approved plat, as signed by the surveyor and the Chair or other appointed agent of the DRB, in the land records of the City in accordance with the Act [§ 4463(b)] and state plat filing requirements (27 V.S.A. Chapter 17). The applicant shall also submit one paper and one digital copy of the plat, in a format specified by the City, to the ZA.
- 2. All subdivision and recording fees must be paid in full prior to recording a subdivision plat.
- 3. The plat to be recorded shall:
  - a. Measure a minimum of 18" x 24" or multiple thereof,
  - b. Have margins outside border lines of 1.5" on the left for binding, and 0.5" on all other sides.
  - c. Be certified and signed by the surveyor.
  - d. Carry the following endorsement, to be signed by the Chair or other authorized representative of the DRB:

*Approved by decision of the Development Review Board, City of Winooski, Vermont, issued on the \_\_\_\_ day of  
(month), (year), subject to all requirements and conditions of subdivision and plat approval. Signed this \_\_\_\_ day of  
(month), (year), by \_\_\_\_\_, Chairperson.*

4. The subdivision plan (site plan) as approved by the DRB shall also be submitted on Mylar with the subdivision plat, for recording in the land records of the City.
5. An approved subdivision plat that is not recorded within the 180-day period shall expire, and reapplication shall be required. A recorded plat shall not expire, and may be modified only in conformance with Sections 6.2 and 6.4.

## SECTION 6.3 PLANNED UNIT DEVELOPMENT STANDARDS

A. **Purpose:** The purposes of Planned Unit Developments are:

1. To provide a method of development for existing parcels which because of physical, topographical, or geographical conditions could not otherwise be developed in strict conformance with the dimensional requirements to the fullest extent.
2. To encourage infill appropriate to the particular character of the site and its surroundings, compact, pedestrian-oriented development and redevelopment, and to promote a mix of residential uses and/or nonresidential uses as permitted or conditional in the Zoning Districts.
3. To provide for flexibility in site and lot layout, building design, placement and clustering of buildings, use of open areas, provision of circulation facilities, including pedestrian and bicycle facilities and parking, and related site and design considerations that will best achieve the goals for the area as articulated in the municipal plan and bylaws within the particular character of the site and its surroundings.

To achieve these objectives, the DRB (DRB) may modify the dimensional requirements, with the exception of density, lot coverage and height, of applicable zoning provisions in accordance with these regulations.

B. **Authority and Applicability:** These regulations are enacted under the provisions of 24 V.S.A. Section 4417. PUDs are allowed in all Zoning Districts except the Gateway Districts and the Downtown Core. To encourage integrated master planning, a PUD may include multiple adjoining properties in common ownership, or in separate ownership if a joint application by all property owners is submitted. PUDs may involve the creation of separate building lots and/or development in which multiple buildings or uses are located on a single parcel in common ownership. Ownership within a PUD can be conveyed or leased along building lines. In addition, PUDs may be configured as FOOTPRINT LOTS. Such transfers will not violate lot coverage, minimum lot area, frontage or setback requirements. For the purposes of a PUD, lot is defined as a parcel of land dedicated to the entire PUD, and not any subdivision or leasing of land and/or building within the PUD. With the approval of the DRB, the lot size, frontage, and setback dimensional requirements, excluding the density and lot coverage, may be altered for a planned unit development. More than one principal use and more than one principal structure may be permitted on a single lot.

C. **Review Process:** Review of a request for PUD Approval shall be considered to also be a request for Site Plan Approval, Subdivision Approval (if applicable), and as Conditional Use Approval (if applicable) so that, if granted, PUD Approval shall constitute Site Plan Approval, Subdivision Approval, and Conditional Use Approval for any use or structure governed by that PUD Approval. A decision by the DRB to grant or not grant a PUD Approval may be appealed pursuant to Section 6.9.B. In addition, approved modifications and other conditions of approval shall be specifically identified in the written decision granting subdivision and planned development approval and noted on or appended to the survey plat and recorded in the land records.

D. **Application Requirements:** A person requesting a PUD Approval shall submit a complete application to the ZA on a form specified by the City. The application shall include:

1. Six (6) sets of a Site Plan of the proposed development, as well as one (1) copy of the Site Plan of the proposed development in digital electronic format acceptable to the ZA, that includes or depicts in sufficient detail, drawn to scale, and with sufficient legibility the following:
  - a. The scale used;
  - b. Natural and proposed grade elevations on contour intervals of not less than 2'-0";
  - c. Existing and proposed drainage devices and patterns;
  - d. Existing and proposed water and wastewater infrastructure;
  - e. Existing and proposed landscaping elements (including trees, fences and walls);
  - f. Proposed, existing and adjoining streets, driveways, parking and loading spaces, traffic circulation spaces;
  - g. Existing and proposed structures and areas dedicated to existing and proposed uses;
  - h. Existing and proposed easements, building lines/footprints/envelopes, yards and other spaces required by this Ordinance;
  - i. Existing and proposed exterior lighting;
  - j. Existing and proposed signs, including dimensions and locations;
2. a Survey prepared by a licensed surveyor including the location of existing and proposed lot lines, if the PUD involves a subdivision of lots, or adjustment of lot lines;
3. elevations and a description of the materials proposed to be used on the FACADE of each proposed building;
4. a statement setting forth the nature of all requested waivers to the lot size, frontage, and setback dimensional requirements of the zoning district in which the project is located. This statement must include the reasons why such modifications or changes are necessary in order to implement the PUD purposes as listed in **Section 6.3.A.**;
5. Management plans for any natural areas or open space to be conserved, and for all common areas, facilities and services within the PUD, to include a description of ownership, use, and long-term maintenance or management, and associated legal agreements, easements or covenants; and
6. Density calculations used to determine the overall density of development within the PUD, in accordance with the following:
  - a. The maximum number of building units or lots within a PUD shall not exceed the number which could be developed on a parcel based on total parcel acreage, lot size and lot coverage density requirements for the zoning district(s) in which the PUD is located.
  - b. This calculation of the site's overall "yield" shall be used to determine the number of building units or lots that may be clustered or grouped at higher densities on those portions of the parcel that are suitable for development.
  - c. For PUDs within two or more zoning districts, the allowed overall density of development shall be the sum of the allowed density calculated for each area of the PUD within a particular zoning district, using the dimensional standards for that district; however building lots or units may be transferred from that portion of the parcel within the lower density zoning district(s) to developable areas of the parcel within the higher density zoning district(s).
  - d. For PUDs on two or more adjoining parcels, the allowed overall density shall be calculated as the sum of the allowed density for each lot, however building lots or units may be transferred from one parcel to developable areas on another parcel.

- E. **Standards:** The following requirements shall be met for the DRB to approve a PUD:
1. The proposed PUD shall include only those uses Permitted by right or a Conditional Use in the district in which the proposed use would be located.
  2. The proposed PUD shall be consistent with the goals and policies of the *Winooski Municipal Development Plan* currently in effect, the purpose of the zoning district(s) in which it is located, and all applicable regulations not modified through PUD review and approval.
  3. The proposed PUD shall comply with the Site Plan standards of **Section 6.6**, the Conditional Use standards of **Section 6.7** if applicable, and the Subdivision standards of **Section 6.2.H** if applicable.
  4. The proposed PUD shall present an environmentally sensitive, effective and unified treatment of the site(s), that:
    - a. locates development on the most developable portions of the site(s), and excludes from development environmentally sensitive areas in accordance with **Section 4.8** of these regulations, and preserves, to the extent feasible, natural and scenic qualities of open space, and the historical quality of existing buildings (in accordance with **Section 4.4.E** of these regulations);
    - b. is compatible with planned patterns and densities of development for the zoning district(s) in which it is located, including building type, site layout, and pedestrian-scale and orientation while minimizing site disturbance and infrastructure development costs as best as possible;
    - c. provides the minimum rear setback required for the zoning district in which the PUD is located along the periphery of the project, and landscaping within the setbacks to maintain district character and to minimize adverse physical or visual impacts from adjoining properties and uses; and
    - d. integrates vehicular, bicyclist and pedestrian circulation with neighboring properties and public rights-of-way, and incorporates adequate parking and access in accordance with **Sections 4.2 and 4.12** of these regulations.
  5. The proposed PUD shall provide such public and nonpublic improvements as may be determined by the Board to conform with the *Winooski Municipal Development Plan*.
  6. If needed, the proposed PUD shall specify reasonable periods within which development of each phase of the PUD may be started and shall be completed.
  7. If waivers are needed and requested by the Applicant, grant one or more waivers of the lot size, frontage, and setback dimensional requirements, otherwise applicable under this Ordinance, if the nature of all requested waivers is necessary in order to implement the PUD purposes as listed in **Section 6.3.A**.
  8. If public infrastructure is proposed, require as a condition of PUD Approval that the applicant furnish to the City security to assure the proper development of the PUD according to the standards, conditions, and restrictions specified by the DRB.

## SECTION 6.4 REVISIONS TO EXISTING LOT LINES

- A. Modifications or revisions to an approved subdivision plan, plat or the conditions of subdivision approval require a subdivision amendment approved by the ZA or DRB. Any modifications or revisions made to an approved plat without such approval shall be considered null and void, and subject to municipal enforcement as a violation under **Article VII**.
- B. Modifications or revisions to existing lot lines legally in existence as of the effective date of these regulations require approval by the ZA or DRB. Any modifications or revisions made to an approved plat without such approval shall be considered null and void, and subject to municipal enforcement as a violation under Article VII.

### C. Administrative Amendments.

1. The following are eligible for review and administrative approval by the ZA, unless the ZA determines that the request may not meet these criteria and should instead be referred to the DRB for review under Subsection C.
    - a. Boundary (lot line) adjustments between two or more adjoining parcels that do not result in the creation of new or nonconforming lots and do not materially or substantially alter the findings and conditions of a previous subdivision approval. The adjustments must be prepared and surveyed by a licensed surveyor.
    - b. Merging of two or more lots into one that does not result in the creation of nonconforming lots and do not materially or substantially alter the findings and conditions of a previous subdivision approval. The adjustments must be prepared and surveyed by a licensed surveyor.
    - c. The relocation, modification or expansion of building footprints, parking areas and site improvements within approved building envelopes, as long as such relocations, modifications or expansions comply with the conditions of subdivision approval and other applicable requirements of these regulations.
    - d. The relocation or modification of roadways, utilities and related improvements within approved rights-of-way or utility corridors that otherwise comply with the findings and conditions of subdivision approval and other applicable requirements of these regulations.
    - e. Approval of as-built plans that deviate from approved plans to the extent that such deviations do not substantially or materially alter the findings and conditions of subdivision approval.
    - f. Modifications to approved landscaping and screening requirements to allow for the substitution of materials, provided the substitutions meet the conditions of subdivision approval.
    - g. Modifications specifically authorized for administrative review and approval by the DRB in its written decision and conditions of final subdivision approval.
  2. The ZA shall issue, post and record administrative amendments in the same manner that zoning permits are issued under [Section 6.10](#), mail a copy of the amendment to all adjoining owners of record and interested parties to the original subdivision proceedings, and forward a copy to the DRB. An administrative subdivision amendment may be appealed within 15 days of the date of issuance to the DRB under [Section 6.9.A](#).
- D. All other subdivision amendment applications shall be classified by the ZA under [Section 6.2](#), and referred to the DRB for review.

## SECTION 6.5 SITE PLANS, CONDITIONAL USE & VARIANCES



A. Development review procedures and related standards under this section apply only to development applications that must be reviewed and approved by the DRB, following a public hearing, before a zoning permit can be issued by the ZA. For land subdivision review procedures, see Part 1 of this Article. Development review procedures under this article include:

1. **Site Plan Review.** See Section 6.6.
2. **Conditional Use Review.** See Section 6.7.
3. **Waivers and Variances.** See Section 6.8.

B. **Coordination of Review.** If land subdivision is also proposed, final subdivision approval is required prior to site plan or conditional use review for the development of a subdivided lot; however site plan or conditional use review may be conducted concurrently with final subdivision review under Article VII as long as the application, notice, procedural requirements and review standards for each are met. Flood hazard area review under Article VI also may be conducted concurrently with site plan or conditional use review under this article.

1. For the review of development on a lot that has received prior subdivision approval, the DRB shall consider and incorporate all conditions of subdivision approval applicable to that lot. In the event that a condition of site plan, conditional use or flood hazard area approval is inconsistent with the conditions of subdivision approval, the more restrictive shall apply.

C. **Application Requirements.** Applications for site plan or conditional use review shall be submitted to the ZA on forms provided by the City.

1. Applications shall also include:
  - a. All required fees;
  - b. One original and six 11" x 17" copies of a site development plan;
  - c. Letter of Intent from the Agency of Transportation for access from State Highways;
  - d. Draft legal documents as applicable;
  - e. Other required information or supporting documentation identified from application checklists, or as specified by the ZA; and
  - f. Any written requests to waive or modify specific development review standards under Articles II and IV.
2. The ZA shall refer complete applications to the DRB and copies of application information and public hearing notices to the following for review and comment as appropriate:
  - a. Community officials, including the Police, Fire & Rescue, Code Enforcement, Public Works (highway access, water, sewer, stormwater, etc), Community Service Departments, and the School Superintendent for development that requires or may adversely affect community facilities and services.
  - b. The State National Flood Insurance (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Program, for development within the Flood Hazard District (see Appendix A).

3. The applicant is encouraged to contact the above listed officials prior to submitting an application for development review to the DRB, and to incorporate their recommendations in site layout and project design.

4. No DRB approval shall be issued until written comments have been received or thirty days have elapsed from the date of referral. The failure of the ZA to notify the above listed parties shall not constitute grounds for appeal.

**D. Hearing.** Within 30 days of receipt of a substantially complete application, the ZA shall schedule a public hearing on the application at the next available DRB meeting to be warned in accordance with the Act [§ 4464].

1. If the hearing includes a variance request on appeal to the DRB, it must be held within 60 days of the date of the filing of a notice of appeal.

2. The DRB may waive one or more required application materials if it determines that such information is unnecessary to make findings under applicable criteria of these regulations. The DRB also may request additional information, including independent technical analyses, as needed to determine conformance with these regulations. An application will not be considered complete by the DRB until all necessary materials have been submitted.

3. The Board may recess and continue the hearing to a date and time specified, as necessary to conduct site visits or to allow for the submission of additional information from the applicant or other interested persons. No additional information or comments shall be taken following hearing adjournment.

**E. Decision.** Within 45 days of the date of hearing adjournment, the DRB shall issue written findings and a decision to approve, approve with conditions, or deny the application. Failure to act within this 45-day period, as decided on appeal, shall be deemed to be approval on the 46th day. The DRB may specify as conditions of approval:

- a. Modifications or changes to the proposed site layout and project design.
- b. The submission of supporting documentation necessary to achieve or monitor compliance with the standards of these regulations and conditions of approval.
- c. Documentation to be submitted with the application for a certificate of occupancy that all other required municipal and state approvals have been obtained.
- d. Infrastructure improvements and associated easements or other dedications as required to serve the proposed development, or to mitigate off-site impacts resulting from the proposed development, to be installed or paid for by the applicant.
- e. The submission of a development agreement, performance bond or other surety acceptable to the Winooski City Council.

**F. Appeal.** The applicant or another interested person who participated in the hearing process may either request that the DRB reconsider a decision, or file an appeal of the DRB decision to the Environmental Division of Superior Court, within 30 days of the date of issuance, in accordance with Section 6.9.B. In accordance with the Act [§ 4470], the DRB may reject a request for reconsideration without hearing and render a decision, including findings of fact, within 10 days of the date of filing if it considers the issues raised in the request have been decided in an earlier appeal or involve substantially or materially the same facts as presented by or on behalf of the appellant.

G. **Effect.** Site plan and conditional use approval by the DRB shall expire with the expiration of the zoning permit, and may be extended only in accordance with [Section 6.11.A.2](#), or as provided for abandoned structures under [Section 4.1](#). Once approved uses or structures are established, site plan and conditional use approvals shall remain in effect and run with the land.

## SECTION 6.6 SITE PLAN REVIEW

A. **Intent.** Site plan review is intended to ensure that site layout and development design are functional, safe, attractive, and consistent with the purpose and character of the district(s) in which the development is located. Standards specifically relate to the internal layout of the site, its physical design, and the functional and visual integration of the site with adjoining properties, uses and infrastructure.

B. **Applicability.** Site plan review is required for all “permitted uses” listed by zoning district under Article II, except for single (one) and two family dwellings, associated accessory structures and accessory dwellings as specified under [Section 5.1](#), home occupations and home child care facilities as specified under [Sections 5.2 and 5.7](#), signs if not associated with a development proposal, and other uses specifically exempted from these regulations under [Section 6.13](#). Uses listed as “conditional uses” under [Article II](#) do not require separate site plan review and approval, but must meet applicable site plan review standards under [Section 6.6](#).

C. **Standards.** The DRB may consider and impose appropriate safeguards, modifications and conditions relating to the following standards:

1. **Existing Site Features.** Site layout and design, to the extent physically feasible, shall incorporate and avoid undue adverse impacts to significant natural, historic and scenic resources identified from the Winooski Municipal Development Plan, maps and related inventories, or through site investigation in accordance with [Section 4.8](#), and the Historic Structure Section of Design Review in [Section 4.4.D](#), and other relevant sections of these regulations. The DRB may require one or more of the following measures as necessary to avoid or mitigate adverse impacts to natural, scenic and historic resources in the vicinity of the proposed development:
  - i. Increased setback distances or undisturbed buffer areas between proposed development and identified resources.
  - ii. The designation of building envelopes sited to exclude identified resource areas, and to limit the extent of site clearing and disturbance.
  - iii. Permanent protection of identified resource areas as designated open space.
  - iv. The screening of development as viewed from public vantage points and for privacy from neighbors.
  - v. The preparation and implementation of management plans for identified resources.
2. **Site Layout & Design.** The location and orientation of structures, and supporting infrastructure on the site shall be compatible with their proposed setting and context, as determined from specific policies of the Winooski Municipal Development Plan, zoning district objectives, existing site conditions and features, adjoining or facing structures in the vicinity, and other applicable provisions of these regulations, including density, setback, height and buffering requirements. To ensure that development is designed in a manner that is consistent with the existing and desired character of the district within which it is located, the following general standards shall apply as specified for particular district:

- a. **Residential Zoning Districts.** Subdivision within this district shall be designed and configured to reinforce a compact residential, pedestrian scale and pattern of development. Lots and building envelopes shall be sized and located to maintain a consistent building line and streetscape along roads, and to maintain privacy in the rear. Subdivisions in this district also shall be designed to incorporate, extend, or connect to existing roads, sidewalks and utility corridors. Sidewalks and other pedestrian facilities shall be provided where physically feasible; new roads in these districts shall be designed to maximize pedestrian and bicycle safety and circulation.
  - b. **Commercial Zoning Districts.** Subdivision within this district shall be designed and configured to reinforce a compact, multistory commercial, residential and/or mixed use, pedestrian scale and pattern of development. Lots and building envelopes shall be sized and located to place buildings at the sidewalk with entrances and windows across the FACADE. Lots adjacent to residential zoning districts shall maintain a buffer to ease the transition from high intensity commercial districts to the residential districts. Subdivisions in this district also shall be designed to incorporate, extend, or connect to existing roads, sidewalks and utility corridors. Sidewalks, pedestrian and bike facilities shall be provided where physically feasible; and new roads in these districts shall be designed to maximize pedestrian and bicycle safety and circulation. Parking shall be placed behind buildings to the extent possible. Parking shall be placed either behind, within, or to the side of structures. Any development within the Downtown Core district is subject to the Master Plan as described in **Article II**.
  - c. **Industrial Zoning Districts.** Subdivisions within the Industrial Districts shall be designed and configured to avoid undue adverse impacts to existing natural resources. Lots adjacent to residential zoning districts shall maintain a buffer to ease the transition from industrial uses to residential uses. Subdivisions in this district also shall be designed to incorporate, extend, or connect to existing roads, sidewalks and utility corridors. Sidewalks, pedestrian facilities, bike facilities shall be provided where physically feasible; and new roads in these districts shall be designed to maximize pedestrian and bicycle safety and circulation. Parking shall be placed behind buildings to the extent possible.
3. **Vehicle Access.** Vehicular access, including road intersections, shall meet applicable City and state access management and design standards, including those set forth in **Section 4.2**. Curb cuts and road intersections shall not create hazards to vehicles, pedestrians or bicyclists on site or on adjoining roads, sidewalks and pathways. To ensure safety and manage access in a manner that maintains road capacity the DRB, in consultation with the City or state highway officials may:
  - a. Limit the number and size of curb cuts in accordance with **Section 4.2**.
  - b. Require the reduction, consolidation or elimination of noncomplying curb cuts.
  - c. For parcels having direct access to more than one road, limit access to a side street or secondary (less traveled) road.
  - d. Require shared access between adjoining properties with compatible uses, to be installed immediately if similar provision has been made on a contiguous parcel, or to be contingent upon the development or redevelopment of a contiguous parcel(s).
  - e. Require access and driveway redesign as necessary to allow for emergency vehicle access.
4. **Parking, Loading & Service Areas.** On-site parking, loading and service areas shall be provided in accordance with the requirements of **Section 4.12**, and the following, with particular attention given to pedestrian and vehicular safety:

- a. Parking areas shall be located to the rear or side of the principal building(s), unless otherwise permitted by the DRB due to site constraints that would prevent reasonable use of the property or result in unsafe traffic conditions.
  - b. Parking areas shall be landscaped to avoid large, uninterrupted paved areas in accordance with **Section 4.12**, and screened to minimize their visibility from public rights-of-way and neighboring properties.
  - c. Shared parking and/or driveway connections to parking areas on adjacent properties with compatible uses, or provisions for future shared parking or driveway connections to adjoining parcels contingent upon their development or redevelopment, shall be required where physically feasible. In the event that such connections allow for shared parking between properties, overall parking requirements may be reduced pursuant to **Section 4.12**.
  - d. Loading and service areas shall be provided onsite in accordance with **Section 4.12**, and shall be adequate to meet the anticipated needs of the use in a manner that does not interfere with parking, internal circulation, and landscaping. Such areas shall be located, landscaped, and/or screened to minimize their visibility from public rights-of-way and neighboring properties.
  - e. The outdoor storage or display of goods, supplies, vehicles, equipment, machinery or other materials is prohibited unless specifically approved by the DRB within a designated area, or as otherwise allowed for a specific use. Secured, covered and screened areas shall be provided for the collection and on-site storage of trash and recyclables generated by the proposed development.
5. **Site Circulation.** Provision shall be made for adequate and safe onsite vehicular and pedestrian circulation, with consideration given to the intended use of the property, the location of accesses, buildings, parking areas, and existing facilities onsite and on adjoining properties in accordance with **Sections 4.2 and 4.12**.
- a. The site plan shall include clearly marked travel lanes, pedestrian crossings, and pedestrian paths or sidewalks that connect buildings, parking areas, and adjoining properties, unless it is determined by the DRB that such facilities are unnecessary to ensure vehicular and pedestrian safety and convenience.
  - b. The site plan shall incorporate sidewalks, recreation paths, proposed rights-of-way and related infrastructure improvements identified in duly adopted municipal improvement plans (e.g., sidewalk or streetscape plans), capital budgets or programs.
6. **Outdoor Lighting.** Outdoor lighting installations shall meet the requirements of **Section 4.10**. The DRB may require the submission of an outdoor lighting plan, prepared by a qualified engineer or lighting expert, for projects determined by the DRB to pose a potential for significant off-site lighting impact due to the number, location and/or intensity of proposed lighting fixtures.
7. **Stormwater Management and Erosion Control.** Temporary and permanent stormwater management and erosion control measures shall be used during all phases of development as necessary to minimize surface runoff and

erosion, protect water quality, and to avoid damage to downstream properties and infrastructure in conformance with [Section 4.15](#).

8. **Landscaping and Screening.** Landscaping and screening shall be provided in accordance with [Section 4.7](#).

## SECTION 6.7 CONDITIONAL USE REVIEW

- A. **Purpose.** These conditional use regulations are enacted to provide for a more detailed consideration of development proposals which may present a greater impact on the community. Typically, land uses are subject to conditional use review because their scale, intensity and potential for off-site impacts warrant more careful scrutiny by the DRB. Standards and conditions relate to the identification, avoidance and/or mitigation of potential impacts.
- B. **Applicability.** Conditional Use review is required for the approval of all development identified as “Conditional Use” or “CU” in the Use Table in [Section 2.4](#), any particular circumstances listed under [Article IV](#) that elevates a development proposal to a Conditional Use review status, and any Special Use identified as needing Conditional Use review in [Article V](#).
- C. **General Standards.** Conditional use approval shall be granted by the DRB only upon finding that the proposed development shall not result in an undue adverse effect on any of the following:
  1. **The capacity of existing or planned community services or facilities.** The applicant and DRB shall consider the demand for community services and facilities resulting from the proposed development in relation to the available capacity of existing and planned community services and facilities. Community facilities and services that may serve a proposed development include schools, emergency services, municipal water supply and wastewater treatment, public parks and trail networks, and public utilities as identified from the Winooski Municipal Development Plan, an adopted municipal capital improvement program, or through site investigation.
    - a. Available capacity shall be determined through consultation with municipal and state officials having jurisdiction over affected services and facilities, and consideration of any duly adopted municipal capital budget and program in effect.
    - b. Conditions will be imposed as necessary to ensure that the demand for community facilities or services does not exceed available capacity. Such conditions may include the phasing of development, the installation of facilities or improvements by the developer as required to serve the proposed development, and the submission of a development agreement, performance bond, or other surety, as approved by the City Council, for the installation of such facilities or improvements.
  2. **The character of the area affected.** The applicant and DRB shall consider the location, scale, type, density and intensity of the proposed development in relation to the character of the area affected, as defined by zoning district purpose statements and specifically stated and relevant policies and standards of the Winooski Municipal Development Plan.
    - a. Mitigation measures shall be employed by the applicant as necessary to avoid undue adverse impacts to the character of the area. These measures may include site plan or building design modifications; increased setback distances, buffers, or screening; the designation of building envelopes to minimize impacts to significant natural, historic or scenic resources or other measures acceptable to the DRB.

3. **Traffic on roads and highways in the vicinity** evaluated in terms of increased demand for parking, travel during peak commuter hours, safety, contributing to congestion, as opposed to complementing the flow of traffic and/or parking needs.
    - a. Conditions shall be imposed as necessary to mitigate undue adverse impacts to existing and planned road and intersection improvements, levels of service (LOS) and volume-to-capacity (v/c) ratios. Rather than focusing on incremental and often inconsequential changes between different levels of service, the v/c measure provides information on whether capacity of an intersection is being fully utilized and recognizes that areas intended for additional development will have an impact on traffic congestion that cannot be wholly avoided, nor should it be for a thriving urban environment. In addition, LOS measures quality of service of a transportation facility from a driver's perspective based on how quickly vehicles can move through an intersection, and this is not necessarily the best measure for safety and adequacy of roadways for bicyclists and pedestrians. Such conditions may include the phasing of development in relation to planned highway improvements, traffic management strategies including transportation demand management strategies, or physical improvements to the road network required to serve the proposed development, to be paid for and installed by the applicant, and the submission of a development agreement, performance bond, or other surety as approved by the City Council, for the installation of such improvements.
  4. **Bylaws in effect.** The applicant and DRB shall consider whether the proposed development complies with all municipal bylaws and ordinances in effect at the time of application, including other applicable provisions of these regulations and the Municipal Development Plan. No development shall be approved in violation of existing municipal bylaws and ordinances.
    - a. Conditions may be imposed by the DRB as necessary to ensure compliance with municipal bylaws and ordinances. Certificates of occupancy for an approved project shall not be issued until all required municipal, state and federal permits have been obtained.
  5. **The utilization of renewable energy resources.** The proposed development shall not interfere with the sustainable use of renewable energy resources, including access to, or the direct use or future availability of such resources.
    - a. Conditions may be imposed as necessary to ensure long-term access, use, and availability of such resources onsite or on adjoining properties.
- C. **Specific Standards.** The DRB also may consider the following standards and impose conditions as necessary to reduce or mitigate any identified adverse impacts of a proposed development:
1. **Performance Standards.** The proposed use shall comply with all performance standards set forth in **Section 4.13**. In determining compliance, the DRB may consult with state officials and consider accepted industry standards. To ensure compliance, the DRB may include as conditions of approval:
    - a. Require documentation that proposed uses, processes, or equipment will comply with applicable performance standards.
    - b. Require increased setback distances and buffers from property lines.
    - c. Reasonably limit hours of operation.
  2. **Legal Documentation.** Legal documentation shall be provided as necessary to ensure that that all required improvements, rights-of-way and easements, and other common lands or facilities will be installed and adequately maintained either by the applicant, an owners association, or through other legal means acceptable to the DRB.



## SECTION 6.8 WAIVERS & VARIANCE REVIEW

A. **Applications & Review Standards.** The DRB may waive application requirements, and site plan or conditional use review standards under [Sections 6.6 and 6.7](#), that it determines are not relevant to a particular application.

B. **Dimensional Waivers.** The DRB, in association with site plan or conditional use review, or on appeal of a ZA's determination, may reduce minimum district setback requirements (under [Table 2.5](#)) or minimum surface water and wetland setbacks (under [Section 4.8](#)) in accordance with the Act [§ 4414] and the following requirements.

1. A waiver request, including information regarding the specific circumstances, need and justification for the waiver shall be submitted in writing with the application for site plan or conditional use review.
2. A waiver under this section may be granted by the DRB only as necessary to:
  - a. Allow for the reasonable development and use of a pre-existing nonconforming lot under [Section 4.9](#).
  - b. Allow for additions or improvements to a pre-existing nonconforming structure under [Section 4.9](#).
  - c. Comply with federal or state public health, safety, access and disability standards.
  - d. Allow for the siting of renewable energy structures.
3. The minimum required setback distance shall be reduced by no more than 50% under this provision. Variance approval under [Section 6.8](#) shall be required for any further reduction in dimensional requirements.
4. In granting a waiver under this section, the DRB shall find, based upon clear and convincing evidence of a specific need and circumstances that:
  - a. No reasonable alternative exists for siting the structure, addition or improvement outside of the required setback area.
  - b. The reduced setback is not contrary to public health, safety and welfare, stated objectives and policies of the Winooski Municipal Development Plan, or the intent of these regulations.
  - c. The waiver represents the minimum setback reduction necessary to allow for the proposed development.
  - d. Any potential adverse impacts resulting from reduced setbacks on adjoining properties, surface waters or wetlands shall be mitigated through site design, landscaping and screening, or other accepted mitigation measures.

C. **Variances.** In accordance with the Act [§ 4469], a variance from the provisions of these regulations may be granted by the DRB for a structure only if literal enforcement of these regulations results in undue hardship to the appellant that precludes any reasonable use of the property.



1. The DRB shall hear and decide requests for variances in accordance with the appeal procedures under **Section 6.9**. Variance requests also may be considered concurrently with site plan or conditional use review. The request for a variance shall include:
  - a. Information required under **Section 6.9** and the Act [§ 4466] for a notice of appeal, including:
    - i. a copy of the application, or brief description of the property in question for which a variance is being requested,
    - ii. a reference to the regulatory provisions from which a variance is requested,
    - iii. a description of the relief requested, and
    - iv. the grounds why the requested relief is proper, under the circumstances.
  - b. Information necessary to make findings under each of the variance criteria specified below.
2. The DRB shall grant a variance, and render a decision in favor of the applicant or appellant, only if *all* of the following facts are found, and the findings are specified in its written decision:
  - a. There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions and not the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located.
  - b. Because of such physical circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property.
  - c. The unnecessary hardship has not been created by the applicant or appellant.
  - d. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.
  - e. The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.
3. **Variances within the Flood Hazard Area District.** In addition to requirements under **Section 6.8.C**, variances from flood hazard area development standards are also subject to requirements in Appendix A.

## SECTION 6.9 APPEALS

A. **Zoning Administrator Decisions.** An applicant or other "interested person" as defined under the Act [§ 4465] may appeal a decision or act of the ZA within 15 days of the date of the decision or act by filing a notice of appeal with the Clerk of the DRB, and by filing a copy of the notice with the ZA.

1. **Notice of Appeal.** A notice of appeal filed with the DRB under this section shall be in writing and include the following information:
    - a. the name and address of the appellant;
    - b. a brief description of the property with respect to which the appeal is taken;
    - c. a reference to applicable provisions of these regulations;
    - d. the relief requested by the appellant, including any request for a variance from one or more provisions of these regulations; and
    - e. the alleged grounds why such relief is believed proper under the circumstances.
  2. **Variances.** A variance request under the Act [§ 4469] and **Section 6.8** may be considered on appeal, or concurrently with site plan or conditional use review, as long as the requirements of this section are met. Applicants or appellants shall submit information sufficient for the DRB to make required findings under all variance criteria under **Section 6.8** and, for development within Special Flood Hazard Areas, also under Section **Appendix A**.
  3. **Hearing.** The DRB shall hold a public hearing on a notice of appeal within 60 days of its filing. The DRB shall give public notice of the hearing under the Act [§ 4464], and shall mail a copy of the hearing notice to the appellant not less than 15 days prior to the hearing date.
  4. In accordance with the Act [§ 4470], the DRB may reject an appeal without hearing, and render a written decision that includes findings of fact, within 10 days of the filing of the notice of appeal, if the DRB determines that the issues raised by the appellant have been decided in an earlier appeal or are based on substantially or materially the same facts by or on behalf of the appellant.
  5. All appeal hearings shall be open to the public. Any interested person or body may appear and be heard in person or be represented by an agent or attorney at the hearing. The hearing may be adjourned and continued by the Board from time to time, provided that the date and place of the adjourned hearing shall be announced at the hearing.
  6. A decision on appeal shall be rendered within 45 days after the adjournment of the hearing. The decision shall be sent by certified mail to the appellant within the 45-day period. Copies of the decision also shall be mailed to every person or body appearing and having been heard at the hearing, and filed with the ZA and the City Clerk as part of the public records of the municipality, in accordance with the Act [§ 4464].
  7. The City Council shall set the fee for appeals of ZA decisions. All costs incurred by the city in association with the appeal shall be borne by the appellant.
- B. DRB Decisions.** The applicant, appellant, or any other interested person who has participated in an appeal proceeding of the DRB under this section may appeal a decision rendered by the DRB, within 30 days of such decision, to the Environmental Division of Vermont Superior Court in accordance with the Act [§ 4471].

1. "Participation" in a board proceeding shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.
  2. The notice of appeal shall be filed by certified mailing, with fees, to the Environmental Court and by mailing a copy to the ZA who shall supply a list of interested persons (including the applicant if not the appellant) to the appellant within five business days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.
- C. **Reconsiderations.** A request for reconsideration of a DRB decision may be submitted to the DRB by an interested party within 30 days of the date of the decision. The request must include new information that the DRB had not previously considered. In accordance with the Act [§ 4470], the DRB may reject the request for reconsideration without hearing and render a decision, including findings of fact, within 10 days of the filing of the application if the DRB determines that the issues raised on appeal have been decided in an earlier appeal, or involve substantially or materially the same facts by or on behalf of the appellant.

## SECTION 6.10 ZONING PERMITS

- A. **Applicability.** No land development subject to these regulations shall commence in the City of Winooski until a zoning permit has been issued by the ZA, in accordance with the Act [§ 4449].
- B. **Application Requirements.** The application for a zoning permit must be submitted to the ZA on forms provided by the city, along with any application fees as established by the Winooski City Council. In addition, the following will be required as applicable:
1. Applications for permitted uses shall include a statement describing the existing and intended use of the land and structures and/or any proposed structural changes, and be accompanied by a copy of a sketch plan, no smaller than 8.5" x 11", drawn to scale, that accurately depicts the following:
    - a. the dimensions of the lot, including existing and proposed property boundaries;
    - b. the location, footprint, and height of existing and proposed structures and additions;
    - c. the location and dimensions of existing and proposed accesses (curb cuts), driveways and parking areas;
    - d. the location of existing and proposed easements, rights-of-way and utilities;
    - e. setbacks from property boundaries, road rights-of-way, surface waters, and wetlands;
    - f. the location of existing and proposed water and wastewater connections; and
    - g. such other information as may be needed to determine compliance with these regulations as specified by the ZA.
  2. For development requiring one or more approvals from the DRB and/or City Council prior to the issuance of a zoning permit, application information and fees shall be submitted concurrently with the application for a zoning permit. The ZA shall refer the application to the appropriate board or municipal official following submission.

3. Additional copies of applications for development within Special Flood Hazard Areas under Appendix A, as provided by the applicant, must be forwarded by the ZA to the State Floodplain Coordinator within 10 business days of receipt of the application. All other applications that require referral to a state agency shall be done by the applicant with evidence of that submission provided to the ZA prior to the issuance of any zoning permit.
  4. The ZA or DRB may reject an application that misrepresents any material fact, in accordance with the Act [§ 4470a].
- C. **Issuance of Zoning Permits.** A zoning permit shall be issued by the ZA only in accord with the following provisions:
1. No zoning permit shall be issued by the ZA for any use or structure that requires approval of the DRB until DRB approval has been obtained. DRB decisions, including approvals, may be appealed under **Section 6.9.B**; however, administrative zoning permits issued by the ZA for DRB-approved development cannot be separately appealed under **Section 6.9.B**.
  2. No zoning permit shall be issued by the ZA for the development of a lot for which subdivision approval is required until subdivision approval has been granted by the DRB.
  3. For uses requiring state agency referral, no zoning permit shall be issued until a response has been received from the state, or the expiration of 30 days following the submission of the application to the state, whichever is sooner.
  4. If public notice has been issued by the Winooski City Council for their first public hearing on a proposed amendment to these regulations, the ZA shall issue a zoning permit for development that is subject to the proposed amendment only in accordance with the requirements of the Act [§ 4449(d)].
  5. Within 30 days of receipt of a complete application, including all application materials, fees and required approvals, the ZA shall act to either issue or deny a zoning permit in writing, or to refer the application to the DRB. If the ZA fails to act within the 30-day period, on appeal to the DRB a permit shall be deemed issued on the 31st day.
  6. All zoning permits shall include a statement of time within which appeals may be taken under **Section 6.9.A**; and shall require the posting of a notice of permit, on a form prescribed by the city, within view of the nearest public right-of-way most nearly adjacent to the subject property until the time for appeal has expired.
  7. The ZA shall deliver a copy of the permit to the Assessor and post a copy of the permit at the city office within three days of the date that the permit is issued. The permit shall be posted for a period of 15 days from the date of issuance.

## SECTION 6.11 EFFECTIVE DATES AND PERMIT RENEWALS

- A. **Zoning Permits.** No zoning permit shall take effect until the time for appeal under **Section 6.9.A** has passed or, in the event that a notice of appeal is properly filed, until the appeal has been decided. Permits shall remain in effect for one year from the date of issuance, unless the permit specifies otherwise.

1. Development authorized by a zoning permit shall be substantially commenced within this period or the zoning permit shall become null and void, unless a permit extension is obtained by the permittee.
2. A one-year administrative extension may be granted by the ZA if the extension is requested prior to the permit expiration date and the ZA determines that there was reasonable cause for delay in starting development. "Reasonable cause for delay" shall be based on a determination that:
  - a. The delay is the result of delays in a state or federal permitting process; or
  - b. The applicant has made a good faith effort to exercise his rights under the permit and, though the use or actual construction of structures authorized permit has not begun, the permittee is conducting work at the site in furtherance of the permitted project.
3. Only recording fees shall be assessed for an administrative extension.
4. A one-year permit extension granted under this subsection is not renewable. Should the permittee fail to substantially commence the project within the one-year extension period, he or she will be required to submit a new application for development.

**B. DRB Approvals.** DRB approvals shall remain in effect as follows:

1. **Subdivision Approval.** Final subdivision approval by the DRB shall remain in effect and run with the land, and legally recorded subdivision plats, as approved by the DRB. For purposes of these regulations, any lot approved by the DRB as part of a planned unit development under **Section 6.3** is considered a conforming lot.
2. **Site Plan and Conditional Use Approval.** Site plan and conditional use approval by the DRB shall expire with the expiration of the zoning permit, and may be extended only in accordance with **Section 6.11.A.2** above; or as provided for abandoned structures under **Section 4.1**. Once approved uses or structures are established, site plan and conditional use approvals shall remain in effect and run with the land.
3. **Variance Approval.** Variance approval expires with the expiration of a zoning permit. Variance approval shall remain in effect and run with the land for structures or structural alterations that are constructed in strict compliance with the conditions of variance approval.

## SECTION 6.12 CERTIFICATES OF OCCUPANCY/COMPLIANCE

**A. Certificate of Occupancy/Compliance.** A certificate of occupancy issued by the ZA is required prior to the use or occupancy of land, a principal structure, or part thereof, for which a zoning permit has been issued. The purpose of this certificate is to ensure that the use or structure, as established, conforms to these regulations and the conditions of approval.

Certificates of occupancy shall not be required for certain exterior residential accessory structures, unless those structures are located within a Flood Hazard Overlay District (Special Flood Hazard Areas). Those exterior residential accessory structures, outside of the Flood Hazard Overlay District (Special Flood Hazard Areas), which are exempt from obtaining a certificate of occupancy are: satellite dishes, play structures, tree houses, doghouses, and sheds under 100 sq. ft. All exterior residential accessory structures must, however, comply with all other requirements of these regulations and conditions of approval.

1. The applicant shall submit an application for a certificate of occupancy including as-built drawings where applicable, to the ZA upon substantial completion of required improvements, but prior to the use or occupancy of the land or structure.
  - a. **Substantially Complete.** A development shall be deemed substantially complete if it meets all applicable permit requirements and conditions, and is habitable or otherwise able to be occupied or used for its intended purpose.
  - b. Certificates of occupancy may be issued on a unit by unit basis.
2. A certificate of occupancy shall not be issued until:
  - a. The applicant documents that all necessary permits and approvals required by these regulations, including applicable state and federal permits, have been obtained.
  - b. The applicant provides certification from a professional engineer or site technician (designer) licensed by the state that wastewater and water supply systems have been installed and tested as approved by the state.
  - c. The applicant provides certification from a licensed engineer that all permitted road and driveway improvements have been completed in conformance with approved plans.
  - d. The ZA determines that the development has been completed in conformance with permits and approvals, from as-built drawings submitted by the applicant and/or site inspection.
3. The ZA shall inspect the premises to ensure that all work has been completed in conformance with the zoning permit and associated approvals prior to issuing a certificate.
4. A certificate of occupancy shall be issued or denied by the ZA within 14 business days of receipt of the complete application. If the ZA fails to either grant or deny the certificate of occupancy within 14 days of the submission of an application, the certificate, on appeal, shall be deemed issued on the 15th day.
5. Certificates of occupancy shall be posted, delivered and recorded in the Winooski land records and in the zoning file for the property in the same manner as zoning permits.
6. The ZA's decision to issue or deny a certificate of occupancy may be appealed to the DRB under **Section 6.9.A.**

## SECTION 6.13 EXEMPTIONS

A. The following uses and structures have been determined to impose no impact or a de minimus impact on the surrounding area and the overall pattern of land development in the City in accordance with the Act [§ 4446] and, unless otherwise regulated under the Flood Hazard Area Overlay District (Article VI), are exempted from these regulations. Outside of Special Flood Hazard Areas, no municipal permits or approvals shall be required for:

1. The normal maintenance and repair of existing structures, utilities and infrastructure which does not result in any expansion or relocation, including any change to the footprint or height of a structure, or a change in use.
2. Residential entry stairs (excluding decks and porches), handicap ramps, walkways, and fences or walls in accordance with Section 4.6.
3. Exterior patios constructed without a permanent foundation.
4. Minor fill, grading or excavation that is incidental to regular driveway maintenance, and to residential lawn and yard maintenance and which does not change the existing elevation of land by more than two feet over a total area of no more than 2,000 square feet.
5. Resurfacing an existing driveway that does not result in driveway or road widening or relocation.
6. Recreational trails or paths located outside of required stream and wetland buffer areas under Section 4.8 that do not involve or require the development, construction or use of structures or parking areas (e.g., walking, hiking, cross-country skiing and/or snow mobile trails).
7. One accessory structure per lot, with written notification to the ZA, provided that the structure does not exceed 100 square feet in floor area and 10 feet in height and meets all setback distances for the district in which it is located.
8. Transit or bus stop shelters approved by the Winooski City Council or the Vermont Agency of Transportation, which do not exceed 200 square feet in area and 12 feet in height, are set back at least five feet from edge of the travel lane, and do not otherwise interfere with corner visibility or sight distances for vehicular traffic.
9. Garage sales in accordance with Section 5.4.
10. A home occupation in accordance with Section 5.7.

B. The following uses are specifically exempted from local land use and development regulations in accordance with the Act [§§ 4412, 4413]. No zoning permit or approval shall be required for:

1. Accepted agricultural and best management practices (AAPs, BMPs) as those practices are defined by the Secretary of the Agency of Agriculture, Food and Markets, including farm structures as defined under the Act [§ 4413]. Written notification, including a sketch plan showing structure setback distances from road rights-of-way, property lines, and surface waters shall be submitted to the ZA prior to any construction, as required under AAPs. Such structures shall meet all setback requirements under these regulations, unless waived by the Secretary.
  2. Accepted management practices (AMPs) for silviculture (forestry) as defined by the Commissioner of Forests, Parks, and Recreation.
  3. Public utility power generating plants and transmission facilities regulated by the Vermont Public Service Board under 30 V.S.A. § 248, including net metered renewable energy facilities (e.g., wind generators, solar panels).
  4. Telecommunications facilities as defined under 30 V.S.A. § 248a, when and to the extent that jurisdiction for such facilities are assumed by the Public Service Board.
  5. Hunting, fishing and trapping on public or private land as specified under 24 V.S.A. § 2295. This specifically does not include facilities that support such activities, such as firing ranges and rod and gun or fish and game clubs, which are subject to these regulations.
- C. Decisions of the ZA as to whether a use is exempt from permit requirements under this section may be appealed to the DRB under **Section 6.9**.



## ARTICLE VII – VIOLATIONS & ENFORCEMENT

A. **Violations.** In accordance with the Act [ §§ 4451, 4452), the commencement or continuation of any land development, subdivision or use that is not in conformance with the provisions of these regulations shall constitute a violation. Each day that a violation continues after notice of violation per subsection B below shall constitute a separate offense. The ZA shall institute in the name of the City of Winooski, any appropriate action, injunction or other proceeding to enforce the provisions of these regulations. All fines imposed and collected for violations shall be paid over to the city.

B. **Notice of Violation.** No action may be brought under this section unless the alleged offender has had at least seven days notice by certified mail that a violation exists, as required under the Act [ § 4451]. The warning notice shall state that:

1. a violation exists;
2. that the alleged offender has an opportunity to cure the violation within the seven days;
3. that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days; and
4. that action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of the regulations after the seven- day notice period and within the next succeeding 12 months.

C. **Limitations on Enforcement.** An action, injunction or other enforcement proceeding relating to the failure to obtain or comply with the terms and conditions of any required or duly recorded municipal land use permit may be instituted against the alleged offender if the action, injunction or other enforcement proceeding is instituted within 15 years from the date the alleged violation first occurred, and not thereafter, in accordance with the Act [§4454]. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted. No enforcement proceeding may be instituted to enforce an alleged violation of a municipal land use permit unless the permit or a notice of the permit has been recorded in the land records of the municipality in accordance with [Section 6.10](#).

## ARTICLE VIII - ADMINISTRATION

- A. **Appointments.** The following appointments shall be made by the Winooski City Council in association with the administration and enforcement of these regulations:
1. **Zoning Administrator (Administrative Officer).** The City Manager shall appoint a ZA. An acting ZA, who shall have the same duties and responsibilities of the ZA, may be appointed in the ZA's absence. The ZA shall literally administer and strictly enforce the provisions of these regulations, and in doing so shall inspect development, maintain records, and perform other related tasks as is necessary and appropriate.
  2. **Development Review Board.** DRB members and alternates shall be appointed by the City Council for specified terms. The DRB shall adopt rules of procedure and rules of ethics with regard to conflicts of interest to guide its official conduct. The DRB shall have all powers and duties as set forth in the law and these regulations.
  3. **Planning Commission.** Planning Commission members shall be appointed by the City Council. The Commission shall adopt rules of procedure and rules of ethics with regard to conflicts of interest to guide its official conduct. The Commission shall have the following duties in association with these regulations:
    - a. Prepare proposed amendments to these regulations, and consider proposed amendments submitted by others, include amendments submitted by petition.
    - b. Prepare and approve written reports on any proposed amendment to these regulations as required.
    - c. Hold one or more warned public hearings on proposed amendments to these regulations, prior to submission of a proposed amendment and written report to the City Council.
- B. **Fee Schedule.** The City Council shall establish a schedule of fees to be charged in administering these regulations, with the intent of covering the city's administrative costs. Such fee schedule may be reviewed and revised periodically.
- C. **Technical Review.** Should the DRB or the ZA require the assistance of an independent technical review when reviewing applications:
1. The ZA or DRB shall prepare a scope for the technical review. The scope shall be strictly limited and relevant to specific review criteria upon which findings and a decision must be made under the regulations.
  2. The review shall be conducted in a timely manner.
  3. The review shall be conducted by an independent consultant who is clearly qualified and demonstrates necessary expertise in the pertinent field(s), and, where applicable, is licensed by the state.
  4. The cost of the review shall be paid for by the applicant.
- D. **Public Notice.** In accordance with the Act [§ 4464(a)], warned public hearings shall be required for site plan and conditional use review, appeals, variances, and preliminary and final subdivision review. Notice shall be the responsibility of the ZA and shall be given not less than 15 days prior to the date of the public hearing by all of the following:
1. Publication of the date, place and purpose of the hearing in a newspaper of general circulation in the City of Winooski.

2. Posting of the same information in three public places: the Winooski City Hall, and two other locations.
3. Posting of a notice of hearing within view from the public right-of-way nearest to the property for which the application is being made.
4. Written notification, sent by certified mail return receipt requested, to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes:
  - a. a description of the proposed project;
  - b. information that clearly informs the recipient where additional information may be obtained; and
  - c. notice that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.
5. For hearings on subdivision plats located within 500 feet of a municipal boundary, written notification to the clerk of the adjoining municipality.
6. For applications in which a waiver or variance is sought regarding setbacks from a state highway, written notification to the Secretary of the Agency of Transportation.
7. Cost of all required notice shall be borne by the applicant.

**E. Meetings and Hearings.**

1. **Development Review Board.** All meetings and hearings of the DRB, except for deliberative and executive sessions, shall be open to the public. The DRB shall adopt rules of procedure and rules of ethics that at minimum address the following, in accordance with the Act [§ 4461] and Vermont Open Meeting Law:
  - a. The conduct of any meeting and the taking of any action.
  - b. Quorums which shall be not less than a majority of the members of the DRB.
  - c. The DRB shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating this, and shall keep records of its examinations and other official actions which shall be filed immediately in the City Office as public zoning records.
  - d. Public hearings shall be noticed and warned in accordance with **Subsection D**. In any regulatory hearing of the DRB there shall be an opportunity for each person wishing to achieve status as an interested person, for purposes of participation or appeal under **Section 6.9** to demonstrate that the criteria for achieving such status are met. The Board shall keep a written record of the name, address, and participation of each of these persons.
  - e. The DRB may recess the proceedings on any application pending submission of additional information, and should close evidence promptly after all parties have submitted requested information.

- f. No member of the DRB shall communicate on any issue in an application proceeding, directly or indirectly, with any party, party's representative, party's counsel, or any interested person in the outcome of the proceeding while the proceeding is pending without additional notice and opportunity for all parties to participate. All ex parte communications received by DRB members, all written responses to such communications, and the identity of the person making the communication shall be entered into the record.
- g. Members of the DRB shall not participate in the decision on an application unless they have heard all the testimony and reviewed all the evidence submitted in the hearing. This may include listening to a recording, or reading the minutes or transcripts of testimony they have missed, and reviewing all exhibits and other evidence prior to deliberation.

F. **Decisions.** The DRB may recess proceedings on any application pending the submission of additional information. The DRB will close evidence promptly after all parties have submitted requested information, and shall issue a decision within 45 days after the adjournment of the hearing. Failure to issue a decision within the 45-day period, on appeal, shall be deemed approval and shall be effective the 46th day.

- 1. All decisions shall be issued in writing and shall separately state findings of fact and conclusions of law. Findings of fact shall explicitly and concisely restate the underlying facts that support the decision, based exclusively on evidence of the record. Conclusions shall be based on the findings of fact. The decision shall also include a statement of the time within which appeals may be taken under **Section 6.9**.
- 2. DRB decisions shall also include a statement, in content and form approved by the Secretary of the Agency of Natural Resources, that state permits may be required and that the applicant or permittee should contact the state's regional permit specialist or individual state agencies to determine which state permits must be obtained before certificates of occupancy or compliance are issued, or any construction may commence.
- 3. In rendering a decision in favor of the applicant, the DRB may attach reasonable conditions and safeguards as it deems necessary to implement the purposes of the law, these regulations, and the municipal plan currently in effect.
- 4. All decisions shall be sent by certified mail, within the required 45-day period, to the applicant or to the appellant on matters of appeal. Copies of the decision also shall be mailed to every person or body appearing and having been heard at the hearing, and filed with the ZA and City Clerk as part of the public record of the municipality, in accordance with **Subsection G**.
- 5. **Administrative Amendments.** Any decision issued by the DRB may authorize subsequent changes or amendments to an approved project subject to administrative review by the ZA, rather than DRB review, in accordance with the following, which shall be specified in the DRB's decision:
  - a. The decision shall clearly specify the thresholds and conditions under which administrative review and approval shall be allowed.
  - b. The thresholds and conditions shall be structured such that no new development shall be approved that results in substantial impact under the requirements of these regulations, or any of the thresholds or conditions set forth in the decision.

- c. No amendment issued as an administrative review shall have the effect of substantially altering the findings of fact of any DRB approval in effect.

Any decision of the ZA authorized in this manner may be appealed to the DRB in accordance with **Section 6.9**.

**G. Recording Requirements.**

1. Within 30 days of the issuance of a municipal land use permit or notice of violation, the ZA shall deliver either the original, a legible copy, or a notice of the municipal land use permit or notice of violation to the City Clerk for recording in the land records of the city generally as provided in 24 V.S.A. § 1154(c), and file a copy in City Hall in the zoning files. The applicant shall be charged for the cost of the recording fees.
2. For development within the Flood Hazard Area District, the ZA shall also maintain a record of all permits, elevation certificates, elevations, floodproofing certifications and variance actions issued for development within the district as required under **Appendix A**.
3. Approved subdivision plats and plans shall be recorded by the applicant in the city land records in accordance with the requirements of **Section 6.2**.

**H. Availability & Distribution of Documents.** Copies of these regulations, other related municipal regulations and ordinances, and the City plan shall be made available to the public during normal business hours in the Winooski City Hall.

## ARTICLE IX - DEFINITIONS

In this Regulation, the following terms shall have the following meanings (Italicized terms and their permissible uses in zoning districts are found in [Table 2.4](#) - the Land Use Matrix). There are other definitions unique to the Downtown Core District, Gateway Districts and the Flood Hazard Area Districts that can be found in the respective appendices; and therefore these definitions do not apply to those districts unless expressly stated.

**Abandonment:** An intentional and absolute relinquishment and cessation of a use for 6 months without intention to resume said use.

**Accessory:** A use, activity, structure, or part of a structure that is subordinate and incidental to the main activity or structure on the lot.

**Accessory Dwelling:** An accessory dwelling is an independent efficiency or one bedroom dwelling unit that is located within or appurtenant to an owner-occupied single-unit dwelling, that is clearly subordinate to that dwelling.

**Addition:** New construction performed on a building which increases the outside dimensions of the structure. An addition increases floor area of a structure.

**Adult establishment:** An establishment that utilizes five percent (5%) or more of its retail selling area for the purpose of sale, rental or viewing of printed and visual materials which are distinguished by their emphasis on creating sexual interest through sight, sound or touch.

**Alterations:** Any change, addition, or modification in construction, other than cosmetic or decorative, or any change in the structural members of buildings such as bearing walls, columns, beams, or girders.

**Alcohol Manufacturing Facility:** A facility where alcoholic beverages can be manufactured, stored, bottled and sold at wholesale or at retail in sealed containers for consumption off premises. The facility may include a tasting or tap room as an accessory use.

**Animal care provider/ Veterinarian:** Any facility which provides medical care to animals, and may include facilities for keeping animals overnight as part of veterinary care. Also includes establishments which provide overnight boarding and caring for animals not part of veterinary care.

**Assisted Living & Residential Care Homes:** State-licensed facilities that provide rooms, meals, and personal care services in living arrangements designed to meet the needs of people who cannot live independently and usually do not require the type of care provided in a nursing home.

**Association, fraternal organization, social club:** A membership organization that holds regular meetings, has formal written membership requirements, and that may, subject to regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests. There are no sleeping facilities.

**Bar:** A licensed establishment subject to State and municipal licensing and regulations in which the principal business is serving alcoholic beverages for consumption on the premises. Food may also be served as an accessory use subject to Vermont Health Regulations.

**Bed-and-breakfast (B&B):** A single-dwelling residence with four or fewer rooms for rent, accommodating a maximum of ten guests, for short-term overnight lodging by the day or by the week. The single-dwelling residence must be the primary residence of the owner or operator of the bed and breakfast. Employment shall not exceed one (1) full-time

employee in addition to the owner. It may provide meals for compensation incidental to the provision of accommodation.

**Brew pub:** A restaurant where malt beverages can be manufactured, stored, bottled and sold to be consumed on the premises. Licensing for brew pubs are regulated by VSA Title 7 and other relevant State and municipal regulations.

**Buffer:** A strip of land, fence, or border of trees, etc., between one use and another, which may or may not have trees and shrubs planted for screening purposes, designed to set apart one use area from another. An appropriate buffer may vary depending on uses, districts, size, and separations.

**Building:** A structure having a roof and used for the shelter, support, or enclosure of persons, animals or property of any kind.

**Building height and location map:** Only applicable to the Downtown Core Zoning District. The building height and location map is included in [Appendix C](#). The locations of the areas designated on the Building Height and Locations Map shall be determined by the distances designated on the Map; these shall be construed as distances are not applicable due to curving right of way lines or otherwise, or if the location of the Green Space Boundary shown on the Map is in question, the locations of the areas or location of the Green Space Boundary shall be determined from the scale of the official Building Height and Location Map in the office of the Administrative Officer.

**Certificate of Fitness:** The written approval, signed by the Code Enforcement Officer, or duly authorized municipal official, setting forth that the building, structure and premises comply with the Municipal & State Codes, this Certificate of Fitness is required prior to a dwelling unit, and or a public building, to be occupied.

**Certificate of Occupancy:** The written approval of the ZA certifying that a newly constructed structure, addition and or alterations to an existing structure, or an existing structure undergoing a change in use is in full compliance with the zoning provisions of Municipal By-laws, Ordinances and Codes adopted under the authority of the City Charter.

**Crematorium:** A facility containing properly installed, certified apparatus intended for use in the act of cremation.

**Cultural facility:** A public or non-profit establishment open to the public providing for the documentation, display, performance, or gathering space for the enjoyment of heritage, culture, history, science or the arts, such as a library, museum, performance venue or community center. May include the occasional sale or provision of refreshments, souvenirs, or other articles as related to and accessory to the activities occurring at the center.

**Curb cut:** A legally designated vehicular point of access from a street to a driveway.

**Daycare facility:** An establishment providing care for children, the elderly or individuals with disabilities in a protective setting for a portion of a 24-hour day. This use includes a state registered or licensed child care provider serving more than six full-time and four part-time children.

**Demolition permit:** A permit that gives the applicant/owner the right to demolish a building and to ensure that no unsafe condition exists on the site when the demolition is complete.

**Detached Cottage:** A detached building or structure containing only one dwelling unit, which shall not exceed 1,000 square feet of finished habitable floor area. In the R-A and R-B zoning districts a detached cottage shall take the place of the permitted accessory dwelling unit.

**DRB:** City of Winooski Development Review Board

**Dwelling, Multi-Unit (or Multi-family):** A building or structure or portion thereof containing three or more dwelling units.

**Dwelling, Single-Unit** (or Single Family Dwelling): A detached building or structure containing only one dwelling unit.

**Dwelling, Two-Unit** (or Two Family Dwelling): A detached building or structure containing only two dwelling units.

**Dwelling Unit:** A building or entirely self-contained portion thereof contain complete house-keeping facilities for only one family, and having no enclosed space other than vestibules, entrances, or other hallways, in common with any other dwelling unit. A boarding house, rooming house, convalescent home, fraternity or sorority house, hotel, inn, lodging, nursing, or other similar home or similar structure shall not be deemed to constitute a dwelling unit.

**Education Facility:** An establishment providing instruction to students and including accessory structures and uses traditionally associated with a program of study, which is operated under state licensing and/or professional accreditation.

**Family Child Care Home:** A state registered or licensed child care home or facility serving six or fewer children considered by right in 24 V.S.A. Section 4412(5) as a permitted single-family residential use of property; and a state registered or licensed child care home or facility serving no more than six full-time and four part-time children.

**Floor area:** The total area of all floors of the building or buildings on a lot as measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings. The floor area shall include halls, stairways, elevator shafts, porches, balconies, garages, and accessory use. The floor area shall not include cellars, basements and attics.

**Floor area, gross:** The total floor area of a building or structure designed for occupancy and exclusive use, including basements, mezzanines, and upper floors, expressed in square feet and measured from the outside face of the exterior walls and from the centerline of common walls or joint partitions. This excludes stairwells, elevator shafts, mechanical rooms, space related to the operation and maintenance of the building, and lobbies and bathrooms located for common or public use rather than for internal use.

**Frontage:** That lot line or property line or lines which is coincident with a public right-of-way. Corner lots with frontage on two or more roads must meet frontage on primary road right-of-way and lot depth on secondary road right-of-way as determined by the ZA.

**Funeral home:** A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial; (b) the storage of caskets, funeral urns, and other related funeral supplies; and (c) the storage of funeral vehicles.

**Garage sale:** A short term sale of household goods from a residence which shall include similar terms such as porch, lawn, or cellar sales. Sales of programs and food and beverage items at school athletic events shall not be deemed to constitute garage sales.

**Garage, parking:** A garage, other than a private or storage garage, which is used for the short-term parking of vehicles.

**Government facility:** Any building held, used, or controlled exclusively for public purposes by any department or branch of government, federal, state, county, or municipal, without reference to the ownership of the building or of the realty upon which it is situated.

**Group Home:** A residential establishment operated under state licensing or registration, serving not more than eight persons who have a disability as defined in 9 V.S.A. § 4501. Group homes are considered by right a permitted single-family residential use of property, except shall be considered a Conditional Use when such home is located within 1,000 feet of another existing or permitted group home.

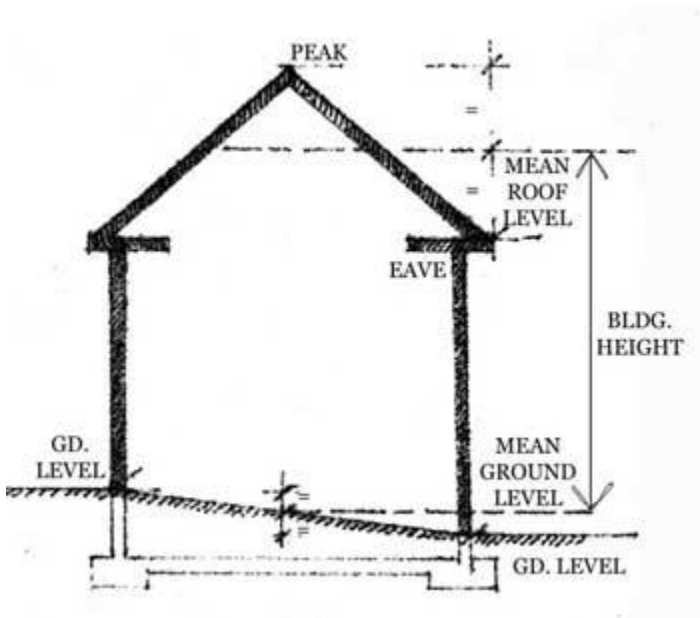


**Healthcare facility:** Any facility maintained and operated to provide licensed medical care, including, but not limited to hospitals, nursing homes, clinics and private healthcare provider offices.

**Height:** The vertical distance measured from the average (or mean) elevation of the finished grade immediately adjacent to the structure to:

- a) the highest point of a flat roof, mansard roof, stepped building or terraced building OR
- b) the mean height level between eaves and peak for all other roof types.

Height calculation of a building shall not include rooftop apparatus such as chimneys, solar collectors, heating & cooling equipment, antennas or similar projections, unless the projections are greater than 10 vertical feet. See the following illustration for guidance in defining building height:



Source: [http://www.mass.gov/envir/smart\\_growth\\_toolkit/pages/CS-fbc-lowell.html](http://www.mass.gov/envir/smart_growth_toolkit/pages/CS-fbc-lowell.html)

**Home Occupation:** An occupation, profession, activity or use that a) is clearly a customary, secondary, and incidental use of a dwelling unit, b) is carried on for gain by a resident of the dwelling, and c) does not alter the exterior of the property or affect the character of the area. Home occupation considered a permitted right in VSA 24 Chap 117 §4412(4) as a permitted residential use of property.

**Household:** One (1) or more persons living together in a single dwelling unit, provided that a household other than an extended household may not contain more than five (5) persons who are not related by blood or marriage.

**Household, extended:** A household that contains at least six (6) persons who are not related by blood or marriage, but does not contain more than eight (8) persons who are not related by blood or marriage.

**Industry:** A business use or activity at a scale greater than home occupation involving processing, manufacturing, fabrication, assembly, finishing, warehousing, and/or storage. Finished or semi-finished products may be temporarily stored outdoors pending shipment.

**Laboratory:** A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

**Land development:** Means the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining operation, excavation or landfill, and any change in the use of any building or other structure, land or extension of use of land. Also see "Development" as defined for purposes of flood hazard area management and regulation in Appendix A.

**Loading space:** An off-street space on the same lot with a building or group of buildings for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

**Lodging establishment:** A facility, other than a bed and breakfast, offering transient lodging accommodations for a fee to the general public which may provide additional services, such as restaurants, meeting rooms, and recreational facilities.

**Lot:** Land whose boundary lines have been established by a duly recorded conveyance.

**Lot, corner:** A lot at the junction of an abutting two or more intersecting streets where the interior angle of intersection does not exceed 135 degrees; on a curved street the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135 degrees.

**Lot coverage:** A measure of intensity of land use that represents the portion of a site that is impervious (i.e. does not absorb water). This portion includes but is not limited to all areas covered by buildings, parked structures, driveways, roads, sidewalks, and any area of pavement. In all districts, the following shall not be counted as lot coverage: Lawns, gardens and unpaved landscaped areas; Open play structure without roofs and not located on a paved surface; Fountains; Swimming pools (Note: aprons, decks and walks adjacent to swimming pools shall be considered as lot coverage); Fences; and, Ramps for the disabled, for which the sole purpose is to provide access for the disabled, and which have no more than the minimum dimensions required to meet accessibility standards.

**Lot depth:** The minimum distance from the street line of a lot to the rear lot line of such lot.

**Lot line:** A boundary of a lot other than a street line.

**Lot line, rear:** The lot line generally opposite the street line; if the rear lot line is less than 10 feet in length, or if the lot comes to a point in the rear, the rear lot line shall be deemed to be that line as nearly parallel to the frontage as possible and lying farthest from the frontage, having a length of not less than 10 feet.

**Master plan:** The master plan for the Winooski Falls Riverfront Downtown Project which the City created with an intent to recreate a traditional urban environment in the downtown core and riverfront of the City, with a high density mix of uses, including offices, basic retail and services and a range of housing options. The Master Plan was approved by the State of Vermont District Environmental Commission in Land Use Permit 4C1065 (Revised) July 6, 2001 and Land Use Permit 4C1065-1 (Corrected) dated November 1, 2002, and which may be further revised by the City.

**Municipal development plan:** The comprehensive long-range plan intended to guide the growth and development of the City of Winooski; included are analyses, recommendations and proposals for the community's population, economy, housing, transportation, community facilities, and land use.

**Nonconforming lots or parcels:** Means lots or parcels that do not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the administrative officer.

**Nonconforming structure:** Means a structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer.

**Nonconforming use:** Means use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the administrative officer.

**Nonconformity:** Means a nonconforming use, structure, or lot.

**Office:** Administrative, executive, professional, research, or similar organizations, and laboratories having only limited contact public, provided that no merchandise or merchandising services are sold on the premises, except such as are incidental or accessory to the principal permissible use.

**Person:** Means an individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.

**Personal service establishment:** A business that provides services of a personal nature including but not limited to: beauty salons, apparel cleaning or repair, banks, and pet grooming shops. Sales of products must be clearly incidental to the services provided.

**Planned unit development:** Means one or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. This plan, as authorized, may deviate from bylaw requirements that are otherwise applicable to the area in which it is located with the exception of density, lot coverage and height.

**Principal structure:** A building or structure which contains the main or principal use of the lot on which said building or structure is located.

**Recreation and entertainment, Commercial:** Recreation and entertainment facilities operated for profit including, but not limited to, health clubs, instructional studios, and theaters. Excludes adult establishments.

**Recreation and entertainment, Non-commercial:** Recreation and entertainment facilities owned or operated by a public or non-profit entity including, but not limited to, sports fields, parks and trails, playgrounds, recreation centers and farmers markets.

**Religious facility:** Places of worship, such as churches, chapels, mosques, synagogues, and temples, including facilities customarily related to a place of worship, such as: rectory or convent, parsonage, private school, meeting hall, offices for administration of the institution, licensed child or adult daycare, playground, cemetery.

**Restaurant:** A licensed commercial establishment subject to Vermont Health Regulations where food and beverages are prepared, served and consumed primarily within the principal building and adjacent street-space, and where a minimum of 60% of gross sales must be created by the sale of food. See also RESTAURANT, café and RESTAURANT, with drive-thru.

**Restaurant, café:** A licensed commercial establishment subject to Vermont Health Regulations containing less than or equal to 2,000 gross square feet where food and non-alcoholic beverages are prepared, served and consumed either on or off premises.

**Restaurant, with drive-thru:** A licensed commercial establishment subject to Vermont Health Regulations where customers order and are served food and non-alcoholic beverages at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed.

**Retail Sales, Neighborhood commercial:** Non-residential establishments intended to serve or accommodate the needs of a limited geographic segment of a community or area. Such uses include but are not limited to: neighborhood convenience stores, hardware and general merchandise; pharmacies, and cafes.

**Retail sales:** Establishments engaged in selling an assortment of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

**Setback:** The distance between the nearest portion of a building projection on a lot and the right-of-way of the street or property line. Corner lots with frontage on two or more roads must meet front setback requirements for each adjoining road right-of-way. Above grade projections from a building such as roof overhangs, balconies, sills, cornices or similar architectural features may be permitted to extend up to 30 inches into required setbacks, except that no projection shall extend over a public or private right-of-way unless otherwise specified in these regulations.

**Storage, outdoor:** The keeping, in an area outside of a building, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours, except for merchandise placed in an area for outdoor display.

**Structure:** Means an assembly of materials for occupancy or use, including a building, mobile home or trailer, sign, wall, or fence.

**Structure, temporary:** An assembly of material for occupancy or use which lacks a permanent foundation and can be easily removed.

**Subdivision:** The division of any lot, parcel, or tract of land into two or more lots, plots, sites, parcels of other division for any purpose. See [Section 6.2](#) for exemptions.

**Technical deficiency:** Means a defect in a proposed plan or bylaw, or any amendment or repeal thereof, correction of which does not involve substantive change to the proposal, including corrections to grammar, spelling, and punctuation as well as the numbering of sections.

**Vehicle Repair & Sales:** A building or establishment where the following activities may occur: selling or leasing vehicles, general repair, engine rebuilding, reconditioning of vehicles, collision repair, painting, and general maintenance. No abandoned vehicles shall be stored on the premises.

**Wetlands:** Means those areas of the state that are inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs, and ponds, but excluding such areas as grow food or crops in connection with farming activities.

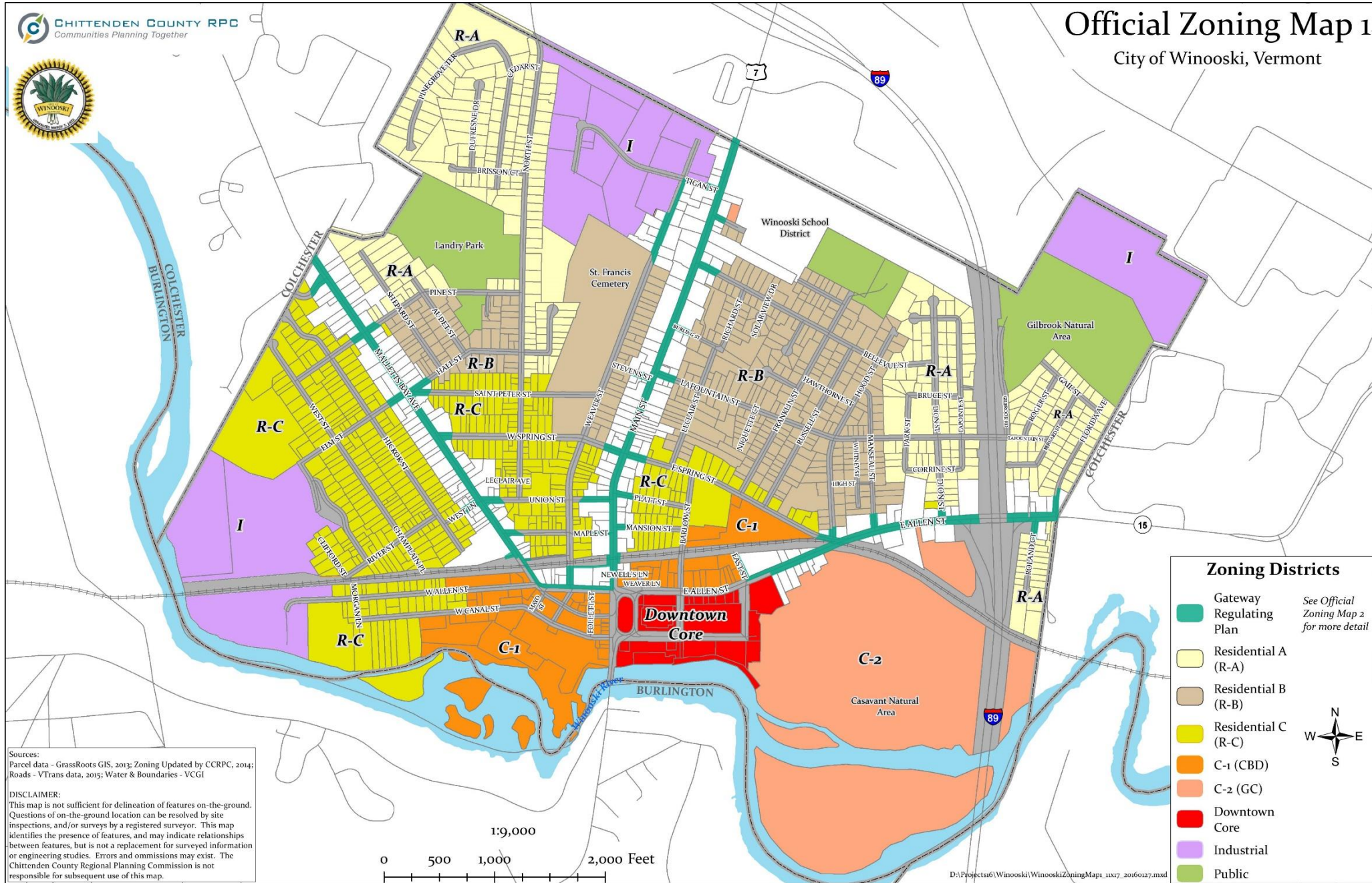
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# Official Zoning Map 1

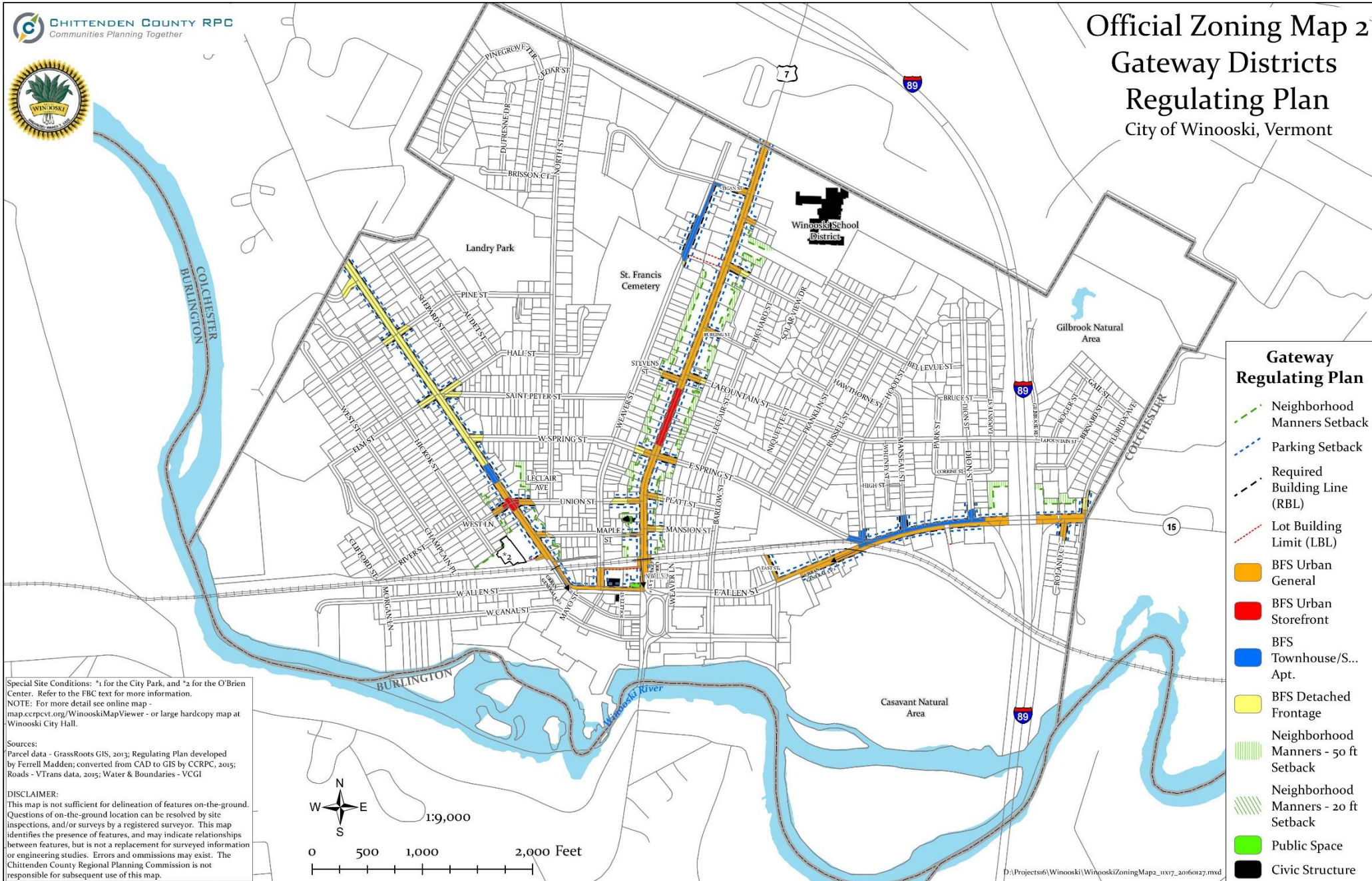
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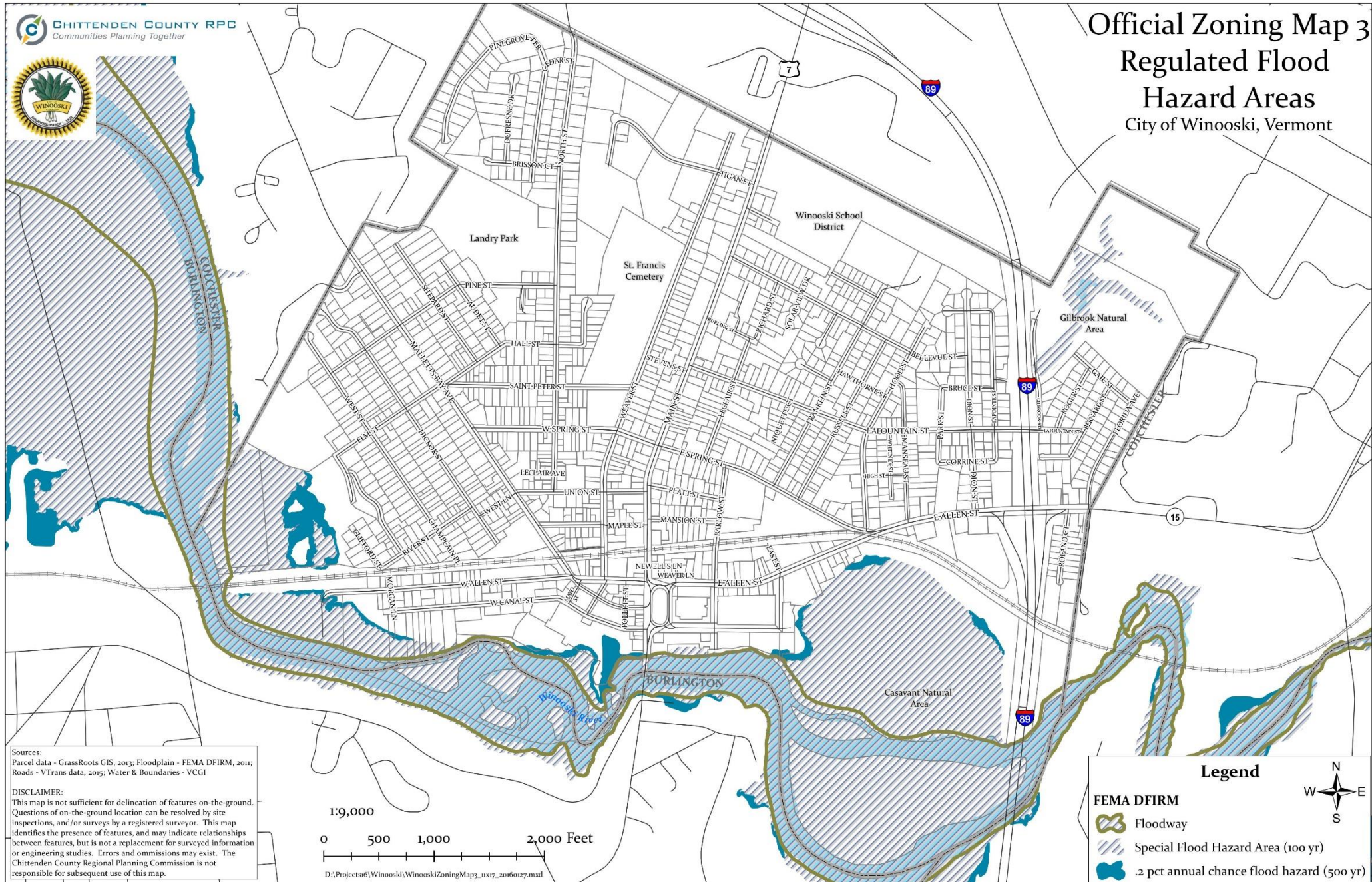




# Official Zoning Map 2 Gateway Districts Regulating Plan City of Winooski, Vermont







## CITY OF WINOOSKI INUNDATION HAZARD AREA REGULATIONS

Adopted by Mayor and Council February 22, 2010 and  
Effective March 15, 2010

**Incorporated into Unified Land Use & Development  
Regulations in 2016**

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### I. Statutory Authorization and Effect

In accordance with 10 V.S.A. Chapter 32, and V.S.A. Chapter 117 §4424, §4411 and §4414, there is hereby established a bylaw for areas at risk of flood damage in the City of Winooski, Vermont. Except as additionally described below, all administrative procedures follow municipal procedures under 24 VSA Chapter 117.

### II. Statement of Purpose

It is the purpose of this bylaw to:

- A. Implement the goals, policies, and recommendations in the current municipal plan;
- B. Avoid and minimize the loss of life and property, the disruption of COMMERCE, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding;
- C. Ensure that the selection, design, creation, and use of development is reasonably safe and accomplished in a manner that is consistent with public wellbeing, does not impair flood plain services or the stream corridor,
- D. Manage the flood hazard area designated pursuant to 10 V.S.A. Chapter 32 § 753, the municipal hazard mitigation plan; and make the City of Winooski, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds as may be available.



### III. Other Provisions

#### A. Precedence of Bylaw

The provisions of these flood hazard bylaws shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this flood hazard regulation imposes a greater restriction the provisions here shall take precedence.

#### B. Validity and Severability

If any portion of this bylaw is held unconstitutional or invalid by a competent court, the remainder of this bylaw shall not be affected.

#### C. Warning of Disclaimer of Liability

This bylaw does not imply that land outside of the areas covered by this bylaw will be free from flood damages. Neither these regulations nor implementation hereof shall create any liability whatsoever on the part of the City of Winooski, or any municipal official or employee thereof.

### IV. Lands to Which these Regulations Apply

#### A. Regulated Flood Hazard Areas

These regulations shall apply to the Special Flood Hazard Area in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these regulations. The location of the boundary shall be determined by the Zoning Administrator (ZA). If the applicant disagrees with the determination made by the ZA, a Letter of Map Amendment from FEMA shall constitute proof.

#### B. Base Flood Elevations and Floodway Limits in Special Flood Hazard Areas

Where available, base flood elevations and floodway limits provided by the National Flood Insurance Program and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations. In Special Flood Hazard Areas where base flood elevations and/or floodway limits *have not* been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA, or State, or Federal agencies.

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INUNDATION HAZARD AREA REGULATIONS

### V. Summary Table: Development Review in Hazard Areas

The hazard areas are not appropriate sites for new structures nor for development that increases the elevation of the base flood.

#	Activity	Hazard Zone	
		Special Flood Hazard Area	Floodway
	<b>P</b> Permitted <b>C</b> Conditional Use Review <b>X</b> Prohibited <b>A</b> Exempted		
1	New Structures	X	X
2	Storage	X	X
3	Improvements to Existing Structures	P, C	C
4	Small Accessory Structures	P	X
5	At Grade Parking	P	C
6	Replacement water supply or septic systems	C	C
8	Fill as needed to elevate existing structures	C	C
9	Fill	X	X
12	Grading	C	C
13	Road maintenance	A	A
14	Road improvements	C	C
15	Bridges and culverts	C	C
16	Channel management	C	C
17	Recreational vehicles	P	P
18	Open space, recreation	A	A
19	Forestry	A	A
20	Agriculture	A	A

### VI. Development Review in Hazard

#### Areas A. Permit

A permit is required from the Zoning Administrator for all development in all areas defined in Section IV. Development that requires conditional use approval, non-conforming use approval, or a variance from the Development Review Board (DRB) under these flood hazard regulations, must have such approvals prior to the issuance of a permit by the ZA. Any development subject to municipal jurisdiction in the designated hazard areas shall meet the criteria in Section VI and VII. Any permit issued will require that all other necessary permits from State or Federal Agencies have been received before work may begin.

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INUNDATION HAZARD AREA REGULATIONS

B. Permitted Development

For the purposes of review under these regulations, the following development activities in the Special Flood Hazard Area where outside of the Floodway, and meeting the Development Standards in Section VII, require only an administrative permit from the ZA:

1. Non-substantial improvements;
2. Accessory structures;
3. Development related to on-site septic or water supply systems;
4. Building utilities;
5. At-grade parking for existing buildings; and,
6. Recreational vehicles.

C. Prohibited Development in Special Flood Hazard Area

1. New residential or non-residential structures (including the placement of manufactured homes);
2. Storage or junk yards;
3. New fill except as necessary and reasonable to elevate structures above the base flood elevation;
4. Accessory structures in the floodway;
5. Critical facilities are prohibited in all areas affected by mapped flood hazards; and,
6. All development not exempted, permitted, or conditionally permitted.

D. Conditional Use Review

Conditional use review and approval by the DRB is required prior to the issuance of a permit by the ZA for proposed development within the following:

1. Substantial improvement, elevation, relocation, or flood proofing of existing structures;
2. New or replacement storage tanks for existing structures;
3. Improvements to existing structures in the floodway;
4. Grading, excavation; or the creation of a pond;
5. Improvements to existing roads;
6. Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing;
7. Public utilities;

#### E. Exempted Activities

The following are exempt from regulation under this bylaw:

1. The removal of a building or other structure in whole or in part;
2. Maintenance of existing roads and storm water drainage;
3. Silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices; and,
4. Agricultural activities conducted in accordance with the Vermont Department of Agriculture's Accepted Agricultural Practices (AAP). Prior to the construction of farm structures the farmer must notify the ZA in writing of the proposed activity. The notice must contain a sketch of the proposed structure including setbacks.

#### F. Variances

Variances may be granted in writing by the DRB only in accordance with all the criteria in 24 V.S.A. § 4469, § 4424 (E), and 44 CFR Section 60.6, after a public hearing noticed as described in Section VIII.

Any variance issued in the Special Flood Hazard Area will not increase flood heights, and will inform the applicant in writing over the signature of the Zoning Administrator that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums. Such notification shall be maintained with a record of all variance actions.

#### G. Nonconforming Structures and Uses

The DRB may, after public notice and hearing, approve the repair, relocation, replacement, or enlargement of a nonconforming structure within a flood hazard area provided that:

1. The proposed development is in compliance with all the Development Standards in Section VII of this bylaw;
2. A nonconforming structure that is substantially damaged or destroyed may be reconstructed only in circumstances when the structure cannot be relocated to a less hazardous location on the parcel. The lowest floor of the reconstructed structure must be rebuilt to one foot or more above the base flood elevation, and the structure must otherwise comply with all requirements of the National Flood Insurance Program;
3. Nonconforming structures or uses shall be considered abandoned where such structures or uses are discontinued for more than 12 months; and
4. An individual manufactured home lot in an existing manufactured home park that is vacated shall not be considered a discontinuance or abandonment of nonconformity. Replacement manufactured homes must be placed so as to meet the development standards in this bylaw.

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INUNDATION HAZARD AREA REGULATIONS

VII. Development Standards - The criteria below are the minimum standards for development in the flood hazard areas. Where more than one zone or area is involved, the most restrictive standard shall apply to the entire property being developed.

A. Special Flood Hazard Area

1. *All development* shall be:

- a. Reasonably safe from flooding;
- b. Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
- c. Constructed with materials resistant to flood damage;
- d. Constructed by methods and practices that minimize flood damage;
- e. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- f. Adequately drained to reduce exposure to flood hazards;
- g. Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes; and,
- h. Required to locate any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Zone) a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.

2. In Zones AE, AH, and A1-A30 *where base flood elevations and/or floodway limits have not been determined*, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 1.00 foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.

3. *Structures to be substantially improved* in Zones A, A1-30, AE, and AH shall be located such that the lowest floor is at least one foot above base flood elevation, this must be documented, in as-built condition, with a FEMA Elevation Certificate;

4. *Non-residential structures to be substantially improved* shall:

- a. Meet the standards in VII A 3; or,
- b. Have the lowest floor, including basement, together with attendant utility and sanitary facilities be designed so that two feet above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; A permit for flood proofing shall not be issued until a

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registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

5. *Fully enclosed areas below grade* on all sides (including below grade crawlspaces and basements) are prohibited.
6. *Fully enclosed areas that are above grade*, below the lowest floor, below BFE and subject to flooding, shall
  - a. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,
  - b. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
7. *Recreational vehicles* must be fully licensed and ready for highway use;
8. A *small accessory* structure of 500 square feet or less that represents a minimal investment need not be elevated to the base flood elevation in this area, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria in VII A 6 (above).
9. *Water supply systems* shall be designed to minimize or eliminate infiltration of flood waters into the systems.
10. *Sanitary sewage systems* shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
11. *On-site waste disposal systems* shall be located to avoid impairment to them or contamination from them during flooding.
12. *The flood carrying and sediment transport capacity* within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability;
13. *Bridges and culverts*, which by their nature must be placed in or over the stream, must have a stream alteration permit from the Agency of Natural Resources where applicable.

- 14 *Subdivisions and Planned Unit Developments must be accessible by dry land access outside the special flood hazard area.*
15. *Existing buildings, including manufactured homes, to be substantially improved in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least as high as the depth number specified on the community's FIRM, or at least two feet if no depth number is specified.*

#### B. Floodway Areas

1. Encroachments or development above grade and less than one foot above the base flood elevation, are prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice, by a registered professional engineer, certifying that the proposed development will:
  - a) Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood;
  - b) Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.
2. Public utilities may be placed underground, and the analyses may be waived, where a registered professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.

### VIII. Administration

#### C. Application Submission Requirements

1. Applications for development shall include:
  - a. Where applicable, a site plan that depicts the proposed development, all water bodies, Special Flood Hazard Areas, floodways, any existing and proposed drainage, any proposed fill, and pre and post development grades, and the elevation of the proposed lowest floor, as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps;
  - b. A Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the municipal permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the ZA and attached to the permit before work can begin;

## B. Referrals

1. Upon receipt of a complete application for a substantial improvement or new construction the ZA shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.

2. If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to the adjacent communities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers. Copies of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation. A permit may be issued only following receipt of comments from the Vermont Agency of Natural Resources, or the expiration of 30 days from the date the application was mailed to the Vermont Agency of Natural Resources, whichever is sooner. The Board should consider comments from the NFIP Coordinator at ANR.

## C. Records

The Zoning Administrator shall properly file and maintain a record of:

1. All permits issued in areas covered by this bylaw;
2. Elevation Certificates with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all new or substantially improved buildings (not including accessory buildings) in the Special Flood Hazard Area
3. All flood proofing and other certifications required under this regulation; and,
4. All decisions of the Board (including variances and violations) and all supporting findings of fact, conclusions and conditions.

## IX. Certificate of Occupancy

In accordance with 24 V.S.A. Chapter 117 §4449, it shall be unlawful to use or occupy, or permit the use or occupancy of any land or structure, or part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure within Special Flood Hazard Area until a certificate of occupancy is issued therefore by the Zoning Administrator, stating that the proposed use of the structure or land conforms to the requirements of these bylaws. A certificate of occupancy is not required for structures that were built in compliance with the bylaws at the time of construction and have not been improved since the adoption of this bylaw. Within 14 days of the receipt of the application for a certificate of occupancy, the ZA shall inspect the premises to ensure that all permits identified on the Project Review Sheet have been acquired and all that all work has been completed in conformance with the zoning



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permit and associated approvals. If the ZA fails to grant or deny the certificate of occupancy within 14 days of the submission of the application, the certificate shall be deemed issued on the 15th day. If a Certificate of Occupancy can not be issued, notice will be sent to the owner and copied to the lender.

X. Enforcement and Penalties

A. This bylaw shall be enforced under the municipal zoning bylaw in accordance with 10 V.S.A. § 1974a, and 24 V.S.A § 4451, and § 4452. A copy of the notice of violation will be mailed the State NFIP Coordinator.

B. If any appeals have been resolved, but the violation remains, the ZA shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

C. Violations of the Accepted Agricultural Practices shall be enforced under this Section as violations of this bylaw. Such violations shall also be immediately reported to the Secretary of Agriculture for enforcement under 6 V.S.A. § 4812.

XI. Definitions

*"Accessory Structure"* means a structure which is: 1) detached from and clearly incidental and subordinate to the principal use of or structure on a lot, 2) located on the same lot as the principal structure or use, and 3) clearly and customarily related to the principal structure or use. For residential uses these include, but may not be limited to garages, garden and tool sheds, and playhouses.

*"Area of Special Flood Hazard"* is synonymous in meaning with the phrase "special flood hazard area" for the purposes of these regulations.

*"Base Flood"* means the flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the "100-year flood").

*"Base Flood Elevation" (BFE)* is the elevation of the water surface elevation resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.

*"BFE"* see Base Flood Elevation

*"Common plan of development"* is where a structure will be refurbished over a period of time. Such work might be planned unit by unit.

*"Critical facilities"* - include police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities, and other structures the community identifies as essential to the health and welfare of the population and that are especially important following a disaster. For example, the type and location of a business may raise its status to a Critical Facility, such as a grocery or gas station.

*"Development"* means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

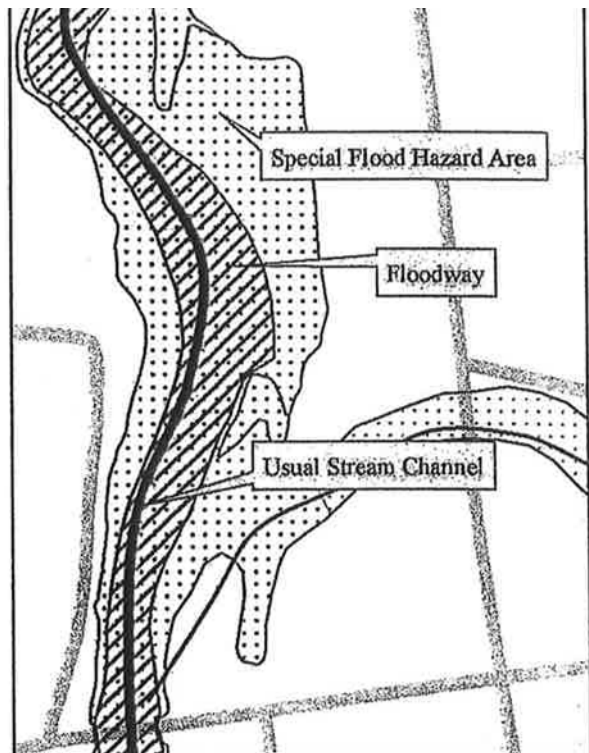
*"Fill"* means any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity at the site.

*"FIRM"* see Flood Insurance Rate Map

*"Flood"* means (a) a general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (b) The

collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

*"Flood Insurance Rate Map" (FIRM)* means an official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. In some communities the hazard boundaries are available in paper, pdf, or Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).



*"Flood Insurance Study"* means an examination, evaluation and determination of flood hazards and, if appropriate, the corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.

*"Floodplain or flood-prone area"* means any land area susceptible to being inundated by water from any source (see definition of "flood").

*"Flood proofing"* means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*"Floodway"* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Please note that Special Flood Hazard Areas and floodways may be shown on a separate map panels.

*"Floodway, Regulatory in the City of Winooski"*, means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

*"Functionally dependent use"* means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

*"Historic structure"* means any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

*"Letter of Map Amendment (LOMA)"* is a letter issued by the Federal Emergency Management Agency officially removing a structure or lot from the flood hazard zone based on information provided by a certified engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area.

*"Lowest floor"* means the lowest floor of the lowest enclosed area, including basement, except an unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

*"Manufactured home (or Mobile home)"* means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

*"New construction"* for regulation under this bylaw, means structures for which the *start of construction* commenced on or after the effective date of the floodplain management regulation adopted by the community and includes any subsequent improvements to such structures.

*"Non-residential"* includes, but is not limited to: small business concerns, churches, schools, nursing homes, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, agricultural and industrial structures, and warehouses.

*"Recreational vehicle"* means a vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

*"Special Flood Hazard Area"* is the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. For purposes of these regulations, the term "area of special flood hazard" is synonymous in meaning with the phrase "special flood hazard area". This area is usually labeled Zone A, AO, AH, AE, or AI-30 in the most current flood insurance studies and on the maps published by the Federal Emergency Management Agency. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: [msc.fema.gov](http://msc.fema.gov) Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of Special Flood Hazard Areas that are determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

*"Start of construction"* for purposes of floodplain management, determines the effective map or bylaw that regulated development in the Special Flood Hazard Area. The "start of construction" includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings,

Winooski Unified Land Use & Development Regulations - Appendix A.  
INUNDATION HAZARD AREA REGULATIONS

the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets -and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

*"Structure"* means, for regulatory purposes under this bylaw, a walled and roofed building, as well as a manufactured home, and any related built systems, including gas or liquid storage tanks.

*"Substantial damage"* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

*"Substantial improvement"* means any reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which, over three years, or over a the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- (b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

*"Violation"* means the failure of a structure or other development to be fully compliant with this bylaw. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CPR 60.3 is presumed to be in violation until such time as that documentation is provided.

# **APPENDIX B**

## **GATEWAY DISTRICTS**

### **FORM BASED CODE REGULATIONS**



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## How to Use this Code

### Why are some words shown in SMALL CAPITAL LETTERS?

The Gateway Corridors Form-Based Code includes terms with special meanings and their definitions are included in *Part 9. Definitions*. Defined terms are shown throughout the document in small capital letters.

### I want to know what is allowed for my property:

1. Look at the Winooski Zoning map and determine if the property in question is located within the Gateway Corridors Form-Based Code District. If not, this Code is not applicable.
2. Look at the adopted REGULATING PLAN in *Part 3. The REGULATING PLAN*. Find the property in question. Note the REQUIRED BUILDING LINE and the PARKING SETBACK LINE. Note the color of the fronting STREET-SPACE — this determines the applicable building form standard (see the key located on the REGULATING PLAN).
3. Find the applicable building form standard in *Part 4. BUILDING FORM STANDARDS*. (Note the *General Provisions* in *Section 402* apply to all properties in the Gateway District.) The building form standard will tell you the parameters for development on the site in terms of height, siting, elements, and use.
4. Additional regulations regarding streets and other public spaces surrounding the property, parking requirements, and building functions are found in the following sections: *Part 5. Urban Space Standards*; *Part 6. Architectural Standards*; *Part 7. Parking and Loading Standards*; and *Part 8. Building Functions*. See also the City's *Municipal Plan* for information regarding plans for the public right of ways.
5. See *Part 2. Administration, Application Process & Appeals* for information on the development review process.

### I want to modify an existing building:

1. If this Code is applicable to your property, determine whether your intended changes would trigger a level of code compliance by looking at *Part 2. Administration, Section 207*.
2. If yes, follow the indicated portions of steps 2-5, above.

### I want to establish a new use in an existing building:

1. Find the property on the REGULATING PLAN and determine the applicable building form standard.
2. Determine whether the use is allowed by looking at the Permitted Use Table in *Part 8. Building Functions*. If the use is listed with a cross-reference in the right-hand column, refer to those standards.

### I have a use, building or site that is nonconforming:

1. Existing uses, buildings and site configurations that met the rules when they were constructed, but do not comply with this development code are considered nonconforming.
2. See *Part 2. Section 209 Non-Conformities* for further details.

### I want to change the Regulating Plan regarding my property:

See *Part 2. Section 207 Amendments to the Form-Based Code*.

### I want to subdivide my property:

1. Property can be subdivided in accordance with the procedures in Article VI of the Winooski Unified Land Use and Development Regulations, referred to herein as "the Regulations".
2. Any such subdivision shall also meet the standards of this Code.



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# Part 1. General Provisions

## 101. Title

This Code is known as the Gateway Districts Form-Based Code.

## 102. Applicability

- A. The Code is in effect for that part of the City of Winooski, Vermont, designated on the Winooski Zoning Map as the Gateway Districts.

## 103. Purposes

- A. The goal of the Winooski Public Design Workshop Vision Plan was to reset the conversation and provide guidance for future development and redevelopment in these gateway corridors. This Code will implement the purpose and goals of that Plan by providing strong implementation tools for the City.
- B. The Code shall be applied to new, infill development, and redevelopment within the Gateway District both in order to achieve the vision set forth and to provide a mechanism for implementing the following specific goals, using both public and private sector investment:
1. Capitalize on public investment in existing infrastructure
  2. Stabilize and strengthen mixed-use commercial areas and residential neighborhoods
  3. Create a pedestrian-friendly and multi-modal district
  4. Promote, create, and expand housing options
  5. Ensure a complementary relationship between the Corridors and the surrounding neighborhoods
- C. The creation of walkable, mixed-use development is dependent on three factors: density, diversity of uses, and *design*. This Code places greatest emphasis on design, or physical form, because of its importance in defining neighborhood and corridor character. All places evolve — density and uses can be expected to change over time as the area continues to grow and mature.

## 104. Other Applicable Regulations

- A. All development must comply with relevant Federal, State and City regulations. Whenever any provision of this Code imposes a greater requirement or a higher standard than is required in any State or Federal statute or other City regulation, the provisions of this Code shall govern unless preempted by State or Federal law.
- B. Where apparent conflicts exist between the provisions of this Code and other existing ordinances, regulation or permits, or by easements, covenants, or agreements, the provisions of this Code shall govern, as is consistent with State and Federal law.

## 105. Minimum Requirements

In interpreting and applying the provisions of the Code, they are the minimum requirements for development under this Code.

## 106. Severability

Should any provision of this Code be decided by the courts to be unconstitutional or invalid, that decision shall not affect the validity of the Code other than the part decided to be unconstitutional or invalid.

## 107. Components of the Code

This Code places a primary emphasis on physical form and placemaking, with a secondary focus on land uses. The principal regulatory sections of this Code are described below.

### A. Administration

*Part 2. Administration* covers application and review process for development plan approval.

### B. Regulating Plan

A REGULATING PLAN is the application key for the Gateway District. Defined and illustrated in *Part 3*, it delineates the STREET-SPACE and other public open space and provides specific information on the development parameters for parcels within the Gateway District. The REGULATING PLAN shows how each lot or development project relates to the STREET-SPACE and the surrounding neighborhood. The REGULATING PLAN may identify additional regulations and/or special circumstances for specific locations.

### C. The Building Form Standards

The primary purpose of the BUILDING FORM STANDARDS (BFS), located in *Part 4*, is to shape the STREET-SPACE — its specific physical and functional character — through placement and form standards on buildings as they frame the street- space or public realm. Their secondary purpose is to ensure that the buildings cooperate to form a functioning and consistent BLOCK structure. The BFS aim for the minimum level of regulation necessary to meet these goals. The applicable standard(s) for a development project is determined by the STREET FRONTAGE designated on the REGULATING PLAN.

The BUILDING FORM STANDARDS establish both the boundaries within which things may be done and specific things that shall be done.

### D. The Urban-Space Standards

The purpose of *Part 5. Urban-Space Standards* is to ensure coherent street-space and to assist developers and owners with understanding the relationship between the public realm and their own development project or building. This part establishes rules and standards for the STREET-SPACE within the Gateway District that are the responsibility of the developer/owner. **They** will foster an environment that encourages and facilitates pedestrian activity and “walkable” streets that are comfortable, efficient, safe, and interesting. Applicants should consult the City’s *Municipal Plan, Transportation Plan, Public Works Standards* and related regulations and policies to understand the future/planned configurations of the vehicular part of the street, including travel-lanes, curb geometry, and on-street parking, as well as the placement of STREET TREES,

sidewalks, and other amenities or furnishings (e.g., benches, signs, street lights, etc.) within the STREET-SPACE.

**E. The Architectural Standards**

The purpose of *Part 6. Architectural Standards* is to ensure a coherent and high-quality building character that is complementary to the best traditions of Winooski. The Architectural Standards govern a building’s exterior elements for all BFS and set the parameters for allowable materials, configurations, and techniques. Materials and products that are ‘EQUIVALENT OR BETTER’ than those specified are always encouraged and may be submitted for approval to the Zoning Administrator, who is authorized to approve them when they meet the intent of these standards.

**F. Parking and Loading Standards**

*Part 7. Parking and Loading Standards* provide goals and requirements to promote a pedestrian-friendly, walkable corridor through shared parking and encourage a “park once” environment. **They** establish the specific vehicular and bicycle parking ratios required throughout the Gateway District.

**G. Building Function Standards**

*Part 8. Building Function Standards* establishes the range of uses allowed in the Gateway District. Uses permitted on ground stories and in upper stories are correlated with each building form standard. Because these standards emphasize form more than use, they include fewer, broader categories than those provided in the Winooski Zoning Regulations.

**H. Definitions**

Certain terms in this Code are used in very specific ways, often excluding some of the meanings of common usage. Wherever a word is in small capitals format, consult *Part 9. Definitions* for its specific and limited meaning within this Code. Terms not defined here may be defined elsewhere in the City of Winooski Zoning Regulations. In such case, the definition contained in the zoning regulations shall be used. Where there is an apparent conflict or contradiction, the definition in *Part 9. Definitions* shall prevail.

ACRONYM KEY	
BFS	Building Form Standard
RBL	Required Building Line
psl	PARKING SETBACK LINE
LBL	LOT BUILDING LIMIT
prc	Project Review Committee
DRB	Development Review Board

## Part 2. Administration, Application Process & Appeals

### 201. Applicability

Development proposals within the Gateway District shall be subject to the provisions of this Code. Subdivisions or lot line adjustments are subject to review under Article VI of the Regulations.

### 202. Zoning Administrator

#### A. Authority

The Zoning Administrator is authorized to approve applications for Certificates of Conformity and Administrative Adjustments, following public notification.

#### B. Delegation of Authority

The Zoning Administrator may designate any member of the City Staff to represent the Zoning Administrator in any function assigned by this Code. The Zoning Administrator, however, shall remain responsible for any final action taken under this Section.

### 203. Certificate of Conformity

An application for approval of a Certificate of Conformity, demonstrating conformity with the provisions contained in this Code and the REGULATING PLAN shall be submitted to the Zoning Administrator.

#### A. Certificate of Conformity Application Requirements

The application for a Certificate of Conformity shall include:

1. A brief narrative describing the Development Proposal;
2. Five (5) sets of completed plans for the Development Proposal to scale [Site Plans at 1"= 20' to 1"= 50', Building Plans and Elevations (not including FACADEs) at 1"= 8', FACADEs drawn at 1"= 4', and details as necessary to demonstrate form-based code ("FBC") conformity at 1"= 4' to 1"=10'] prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect, as appropriate, and including the following information, which shall be submitted on the above listed or additional sheets:
  - a. Location and dimensions of all proposed buildings and other construction;
  - b. A mid-block access/COMMON DRIVE plan, showing any internal roadways, streets and/ or STREET-SPACES, common access easements, and accessways to adjacent properties and public roadways;
  - c. Location and dimensions of all parking areas,
  - d. Utility Strategy,
  - e. Architectural drawings of all proposed building FACADEs and elevations.
  - f. A completed Form-Based District Review Checklist, the form of which shall be developed, maintained, and made available by the Zoning Administrator, demonstrating conformity with the provisions of the FBC; and
3. Any other documents and/or materials required by the Zoning Administrator to determine conformity with the FBC.

Page left intentionally blank and Section 204 reserved for the future if needed.



## **B. Certificate of Conformity Review**

1. A pre-application conference with the Zoning Administrator is required prior to the submission of any application for a Certificate of Conformity. The applicant shall provide a schematic site plan at a scale of 1" = 20' to 1" = 50' and schematic drawings of all FACADES at a scale of 1" = 8' for consideration by the staff. The discussions and any conclusions based thereon at such a pre-application conference are not binding on any party thereto.
2. The Zoning Administrator may administratively provide for submission and review deadlines for materials and studies required in support of any application for a Certificate of Conformity. The need for technical studies shall be at the Zoning Administrator's discretion.
3. Applicants shall be notified no later than 7 business days following the submittal deadline if additional materials and studies will be required in order for review of their application to commence.
4. Upon submittal of a complete application, it shall be the responsibility of the Zoning Administrator to:
  - a. Provide abutting landowners with a 15-day notice of the PRC meeting.
  - b. Within thirty (30) business days of submittal of the application, the Zoning Administrator shall take one of the following actions:
    - i. Approve the application as submitted;
    - ii. Approve the application with conditions; or
    - iii. Forward the application to the Development Review Board, to be heard at their next meeting.
5. After the effective date of the Form-Based Code, no property which has been zoned under the Form-Based Code may be developed or redeveloped without approval of a Certificate of Conformity from the Zoning Administrator.
6. An applicant or other "interested person" as defined under 24 V.S.A. Section 4465 and Article VI of the Regulations, may appeal a decision or act of the Zoning Administrator within 15 days of the date of the decision or act by filing a notice of appeal with the Clerk of the Development Review Board, and by filing a copy of the notice with the Zoning Administrator.

## **205. Effect of Certificate of Conformity Issuance**

Issuance of a Certificate of Conformity by the Zoning Administrator allows an applicant to apply for other necessary permits and approvals which include, but are not limited to, those permits and approvals required under the City Building Code.

### **A. Certificate of Conformity Modification**

After the Zoning Administrator has issued a Certificate of Conformity, any change in the Development Proposal from the plans submitted to the Zoning Administrator, other than those permitted under Section 206 below, shall be considered to be a Material Modification and shall be subject to the following review procedure:

1. Material Modification requests shall be submitted to the Zoning Administrator for review and approval, and shall include sufficient information to determine conformity with the FBC.
2. The Zoning Administrator may administratively provide for submission and review deadlines for materials and studies required in support of any application for a Certificate of Conformity.

3. The Zoning Administrator shall determine if the proposal is in compliance.

## **B. Certificate of Conformity Expiration**

1. A Certificate of Conformity shall lapse eighteen (18) months from its issuance if an applicant does not secure a zoning and building permit.
2. Upon written communication by the applicant submitted at least thirty (30) days prior to the expiration of the Certificate of Conformity, and upon a showing of good cause, the Zoning Administrator may grant one extension not to exceed six (6) months. Upon an application for extension, the Certificate of Conformity shall be deemed extended until the Zoning Administrator has acted upon the request for extension.

## **206. Administrative Adjustments**

### **A. Purpose and Intent**

The purpose and intent of this section is to provide an administrative mechanism for allowing minor adjustments to limited and specific requirements of the Gateway District, with the intent of providing relief where the application of a standard creates practical difficulties in allowing development to proceed. These adjustments are intended to provide relief for minor construction/survey issues; they are not intended for designed or intentional variances from the FBC, like those governed by *Section 208* below. This optional process occurs only where an applicant requests an Administrative Adjustment to a standard specified below.

### **B. Administrative Adjustment Application and Review Procedure**

1. An application for approval of an Administrative Adjustment shall include:
  - a. A brief narrative describing the Administrative Adjustment sought;
  - b. A completed Administrative Adjustment Checklist, the form of which shall be developed, maintained, and made available by the Zoning Administrator, demonstrating that the adjustment sought is limited to the standards set forth below; and
  - c. Any other documents and/or materials required by the Zoning Administrator to determine that the adjustment sought is limited to the standards set forth below.
2. The Zoning Administrator may seek assistance from the Development Review Board in making a determination under this Section.
3. Within thirty (30) business days of receipt of a complete application, the Zoning Administrator shall review the application in accordance with the Administrative Adjustment Standards below, and take one of the following actions:

- a. Approve the application as submitted;
- b. Approve the application with conditions; or
- c. Deny the application.

### **C. Administrative Adjustment Standards**

The Zoning Administrator is authorized to approve Administrative Adjustment applications in strict conformance with the following standards only:

#### **1. Height**

- a. Minimum and maximum height – up to five percent (5%) for any cumulative increase or decrease in building height.
- b. STREET WALL/fence requirements – up to ten percent (10%).
- c. Finished floor elevation – up to five percent (5%).

#### **2. Siting**

- a. REQUIRED BUILDING LINE – move up to twelve (12) inches (but not into the public ROW).
- b. REQUIRED BUILDING LINE minimum percentage build-to – reduction of up to five percent (5%) of required length.
- c. PARKING SETBACK LINE – move forward up to six (6) feet.
- d. MEZZANINE floor area – up to ten percent (10%) additional area.
- e. STREET WALL requirements – up to ten percent (10%) of the height/ FENESTRATION/access gate requirements.
- f. Entrances (maximum average spacing) – up to ten percent (10%) increase in spacing.

#### **3. Elements**

- a. FENESTRATION (minimum and maximum percent) – up to five percent (5%).
- b. Elements (minimum and maximum projections) – up to five percent (5%).

#### **4. Architectural Standards**

- a. Primary and Secondary materials – up to ten percent (10%).
- b. Window and pane dimensions – up to ten percent (10%)
- c. SHOPFRONT entry geometry – up to ten percent (10%).

#### **5. Streets, Blocks and Common Drives**

Street center lines (and the STREET-SPACE/ RBLs with it) may be moved up to 50 feet in either direction, so long as:

- a. the street connectivity is maintained (no cul-de-sacs);
- b. any change to adjacent properties are approved by their owners;
- c. no street intersection occurs within 100 feet of another street intersection; and
- d. the BLOCK configuration meets the standards defined in *Section 301.D.2.*
- e. the resulting configuration is approved by the Winooski Department of Public Works.

#### **D. Administrative Adjustment of Unlisted Standards**

Any request for relief from a required FBC standard other than those listed above shall be made through the Variance procedures set forth in *Article VI, Part 2* of the Winooski Zoning Regulations. (See also *Section 207* below.)

#### **E. Applicability**

Any Administrative Adjustment approved under this Section shall run with the land and not be affected by a change in ownership.

### **207. Amendments to the Form-Based Code**

#### **A. Text Amendments**

Any application for an amendment to the Code text shall be considered an application for a zoning text amendment subject to *Article I, Section 1.4* of the Regulations and any other regulations applicable to zoning text amendments.

#### **B. Regulating Plan Amendments**

Any application for an amendment to the Code REGULATING PLAN shall be considered an application for a zoning map amendment subject to *Article I, Section 1.4* of the Regulations and any other regulations applicable to rezoning. The exception being that notification shall be made to all parties within 400 feet of the proposed change.

In addition, any amendment to the REGULATING PLAN shall conform to the following requirements.

##### **1. Application, Building Form Standards (BFS)**

In determining the allocation and, thereby, the form and mixed-use character of the district, attention must be paid to both the physical context (what goes next to what) and diversity of allowed/required uses. When amending a REGULATING PLAN, the standards of *Section 301* shall apply. CIVIC USE BUILDINGS (those designated on the REGULATING PLAN) are not restricted by these standards.

### **208. Variances**

- A. Any person seeking a variances from the provisions of the FBC shall follow the variance procedures outlined in *Article VI, Part 2* of the Winooski Zoning Regulations.

### **209. Non-Conformities**

Non-conforming structures within the Gateway District may be altered or repaired according to the following schedule:

#### **A. Single-family and duplex structures:**

1. Repairs and remodeling and additions to a single-family or duplex structure may be made without conformance to the Code provided that they do not encroach into any NEIGHBORHOOD MANNERS setback.
2. Repairs, remodeling and additions resulting in additional units shall require full code compliance, except one additional unit within existing structures may be permitted without full code compliance.

- 3 Intentional demolition requires conformance to the Code.
- 4 Single-family and duplex structures destroyed by fire, explosion, act of God, or the public enemy may be replaced with conformance to a like residential zoning district as determined by the Zoning Administrator.

## **B. Other Structures:**

- 1 Additions of up to 20% of the SQUARE footage of a non-conforming structure (existing as of the adoption of the Gateway District) may be made subject to conformance with only the Architectural Standards of the Gateway District relative to the new addition only.
- 2 Additions greater than 20% but equal to or less than 50% of the square footage of a non-conforming structure may be made subject to conformance with the Architectural Standards of the code and the site requirements of the code relative to the new addition only.
- 3 Additions greater than 50% of the square footage of a non-conforming structure shall be made in conformance with the code. Non-conforming site improvements must also be brought into complete conformity with the regulations applicable to the Gateway District.
- 4 Existing structures destroyed by fire, explosion, act of God, or the public enemy may be replaced with a structure of comparable height and gross floor area that otherwise meets the requirements of the code.

## **C. Non-conforming Uses:**

- 1 A non-conforming use may be extended throughout any portion of a completed building that, when the use was made non-conforming by this Code, was manifestly designed or arranged to accommodate such use.
- 2 A non-conforming use may not be extended to additional buildings or to land outside the original building.

## **D. Historic Structures**

Historically-designated structures may be specified as a civic use building by the Planning Commission and City Council if they effectively serve the community as civic use buildings. If so designated, they may be added to the REGULATING PLAN.

# Part 3. The Regulating Plan

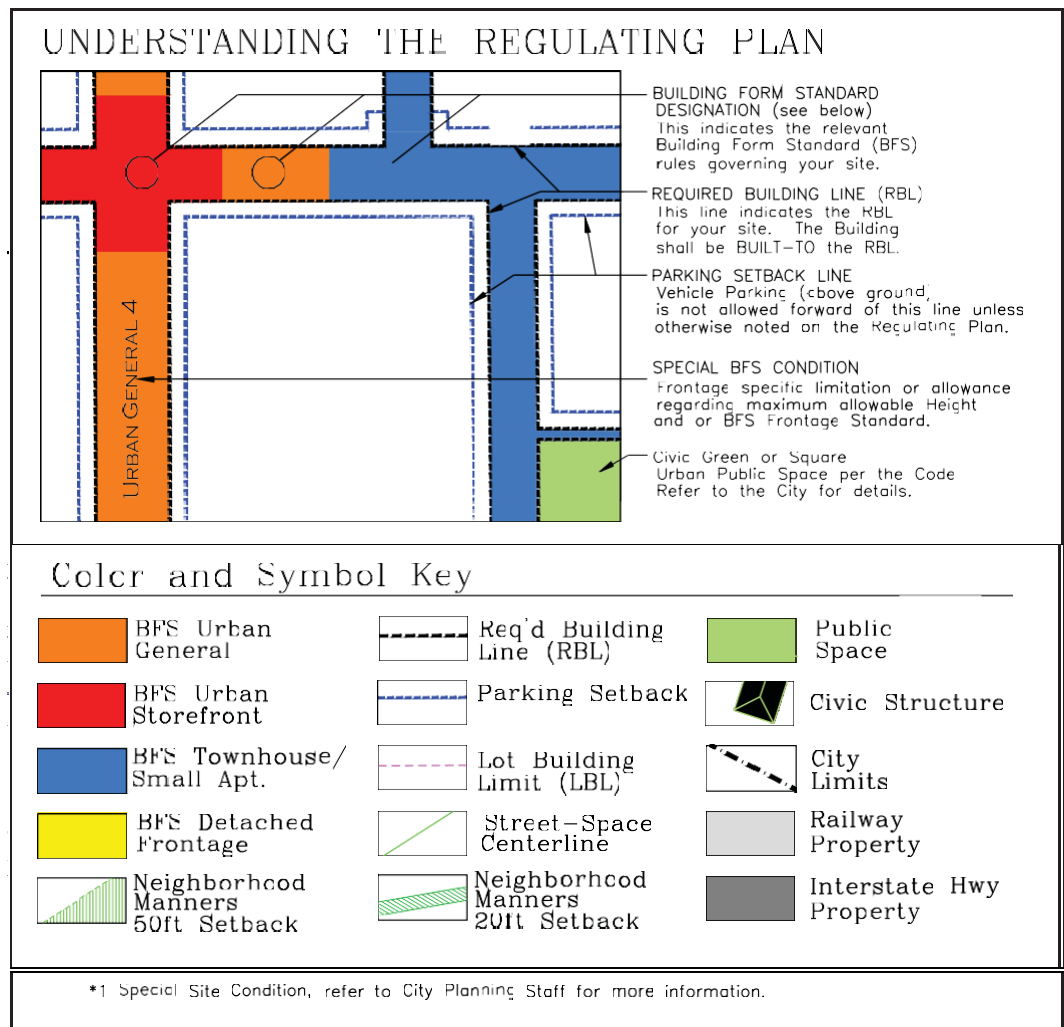
## 301. Rules for Regulating Plans

### A. Purpose and Intent

1. A REGULATING PLAN is the controlling document and principal tool for implementing this Code.
2. The REGULATING PLAN makes the development standards place-specific, by designating the BUILDING FORM STANDARDS (BFS) and delineating the public spaces. The REGULATING PLAN identifies: the boundaries for the Gateway District; existing and new streets; the REQUIRED BUILDING LINE (RBL); and the PARKING SETBACK LINE throughout the Gateway District.
3. A REGULATING PLAN may identify specific characteristics assigned to a lot or site and may identify additional regulations (and opportunities) for lots in specific locations, as well as exceptions to the BFS or other standards.

### B. Regulating Plan Key

1. The Key includes two special circumstances:
  - a. \*1 indicates an applicant's choice for the RBL on this parcel, as shown by the two RBLs on the REGULATING PLAN.
  - b. \*2 indicates a 5' deep NEIGHBORHOOD MANNERS setback for this parcel.





## C. Building Form Standards (BFS) on the Regulating Plan

- a. BUILDING FORM STANDARDS are designated on the REGULATING PLAN by STREET FRONTAGE.
- b. The allocation and distribution of BFS frontages – which define the form and character of the district – was based on the Public Design Workshop Vision Plan and determined by the physical context (what goes next to what) and diversity of allowed/required uses.

## D. Streets, Blocks & Common Drives on the Regulating Plan

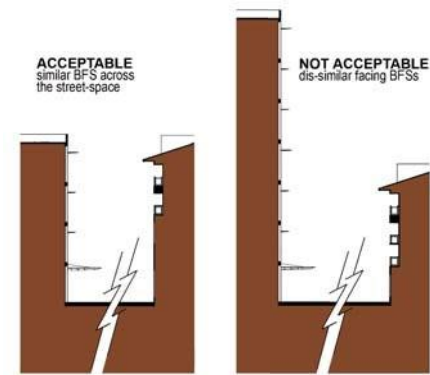
### 1. Streets

The proposed Street Specifications for the Gateway District are part of the Transportation Plan. Street configurations called out there and referred to in *Part 5. Urban Space Standards* and/or on the REGULATING PLAN may or may not be immediately constructed. **They** shall be placed into the system such that, when reasonable for the City's street maintenance/reconstruction plan, they can be rationally constructed.

- a. Additional streets may be added to the REGULATING PLAN to create a smaller BLOCK pattern. No streets may be deleted without being replaced elsewhere within the Gateway District and the resulting configuration must meet the requirements of *Part 3. The REGULATING PLAN*.
- b. Where new COMMON DRIVES or PEDESTRIAN PATHWAYS are designated on the REGULATING PLAN, they are critical to the working of the Gateway District and shall be considered mandatory. While the street may not be constructed until some point in the future, the RBL, LOT BUILDING LIMIT (LBL) or PARKING SETBACK LINE, and other designations of the REGULATING PLAN shall be respected at the time of redevelopment.
- c. New COMMON DRIVES or PEDESTRIAN PATHWAYS shall be public or publically accessible.
- d. All lots shall share a frontage line with a STREET-SPACE.

### 2. Blocks

- a. **Maximum Size:** No BLOCK FACE shall have a length greater than 350 feet without a COMMON DRIVE or equivalent access easement, or PEDESTRIAN PATHWAY providing through-access to another street-space, or COMMON DRIVE. Individual lots with less than 200 feet of STREET FRONTAGE are exempt from the requirement to interrupt the BLOCK FACE; those with over 200 feet of STREET FRONTAGE shall meet the requirement within their lot, unless already satisfied within that BLOCK FACE.
- b. **Curb Cuts:** The creation and/or retention of curb cuts in the Gateway District shall be dependent on their providing access to, and circulation for, COMMON DRIVES per *Section 301.D.3* and below. No new curb cuts are permitted unless otherwise specified here:
  - (i) Where the REGULATING PLAN shows a NEIGHBORHOOD MANNERS 20 ft. setback meeting an RBL, a curb cut is permitted.



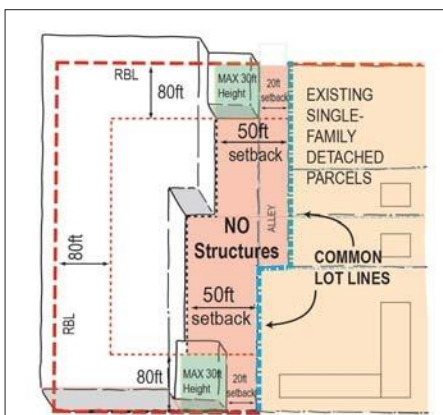
301.C Illustrative intent

- (ii) For lots with COMMON DRIVE access, existing or in their redevelopment plan, existing curb cuts other than those necessary for COMMON DRIVE circulation, shall be eliminated/vacated at the time of redevelopment.
- (iii) For lots without COMMON DRIVE access, existing curb cuts may be maintained or relocated, subject to the restrictions below.
  - (1) No new curb cut may be within 100 feet of another curb cut except where the new curb cut provides needed access for existing or planned COMMON DRIVE circulation, subject to Zoning Administer approval. New curb cuts for shared COMMON DRIVES have priority.
  - (2) Where a parking structure (or surface lot with more than 20 spaces) is being provided with at least 30% of its spaces available to the general public, existing curb cuts that provide access to the public parking may be retained or relocated (even if the lot has COMMON DRIVE access.)

### 3. Common Drives

COMMON DRIVES provide internal BLOCK circulation and shared access to rear parking and service areas. **They** may also serve as fire lanes.

- a. COMMON DRIVES must provide access to the interior or rear of all Urban General, Urban Storefront, and Townhouse/Small Apartment frontage lots that front Main Street, East Allen Street, or Malletts Bay Avenue, except:
  - (i) where a lot has streets on three sides and the absence of a COMMON DRIVE would not deprive an adjacent neighbor of rear lot access;
  - (ii) or where the rear lot area provides no connection/access possibility to an existing or reserved COMMON DRIVE area;
  - (iii) or where the lot is less than 80 foot in depth.
- b. For COMMON DRIVES, public access, public utility, and drainage shall be dedicated via an easement.
- c. COMMON DRIVES may be located within the NEIGHBORHOOD MANNERS Setback Area.
- d. COMMON DRIVES may be incorporated into (rear) parking lots as standard drive aisles. Access to all adjacent properties shall be maintained or established if not already connected.
- e. Where a COMMON DRIVE does not exist and is not feasible to construct at the time of redevelopment of any property, the applicant is required to dedicate the COMMON DRIVE right-of-way or easement to the City (for future construction) and maintain the area by, at a minimum:
  - (i) Providing routine landscape maintenance to the area.
  - (ii) Keeping the area clear of debris, stored materials, and stored - vehicles.



302.E. Illustrative intent, NEIGHBORHOOD MANNERS.

Any amendment or change to the REGULATING PLAN, beyond those specified above, will be a zoning map amendment of this code. **See Part 2. 207. Amendments to the Form-Based Code.**



## E. Neighborhood Manners on the Regulating Plan

### 1. Intent

NEIGHBORHOOD MANNERS provide for a complementary relationship between residential zoning districts immediately behind new and larger scale development. (See Section 402.D NEIGHBORHOOD MANNERS for specific rules.)

### 2. Location

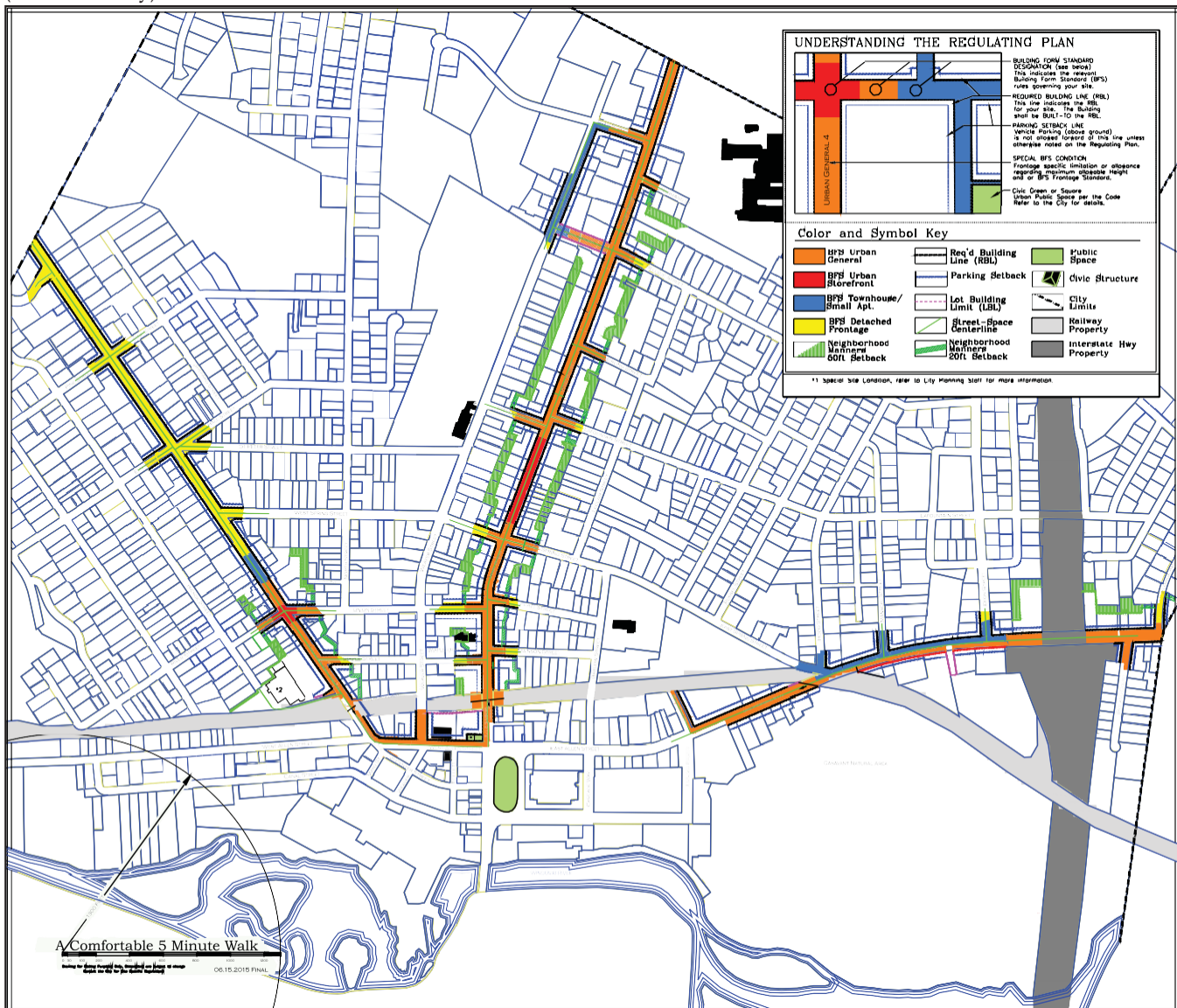
The REGULATING PLAN specifies placement of the NEIGHBORHOOD MANNERS 20-foot Setback Area and the NEIGHBORHOOD MANNERS 50-foot Setback Area.

### 3. Adjustment

The application of the NEIGHBORHOOD MANNERS 20-foot Setback Area shall move in concert with any frontage change per 402. A *Frontage Transitions*. The NEIGHBORHOOD MANNERS 50-foot Setback Area shall only be adjusted in concert with an amendment to the REGULATING PLAN. (see Part 2. 207. *Amendments to the Form-Based Code*).

## 302. Regulating Plan

(facsimile only)



This image of the Gateway District REGULATING PLAN is shown for illustrative purposes only; refer to the City for specific REGULATING PLAN information.

## Part 4. Building Form Standards

### 401. Intent

- A. The goal of the BUILDING FORM STANDARDS (BFS) is the creation of a vital, and coherent public realm through the creation of good STREET-SPACE. The intent of these form standards is to shape the STREET-SPACE – the specific physical and functional character – of the Gateway District. The form and function controls on building frontages work together to frame the STREET-SPACE while allowing the buildings greater latitude behind their FACADES. The BUILDING FORM STANDARDS aim for the minimum level of control necessary to meet this goal.
- B. The BFS set the basic parameters governing building construction, including the building envelope (in three dimensions) and certain required or permitted functional elements, such as FENESTRATION (windows and doors), STOOPS, balconies, FRONT PORCHes, and street walls.
- C. The BFS establish the rules for development and redevelopment on private lots, unless otherwise indicated on the REGULATING PLAN.
- D. The REGULATING PLAN identifies the building form standard within the Gateway District, establishing the rules for development and redevelopment on all lots, unless otherwise indicated on the REGULATING PLAN.

### 402. General Provisions

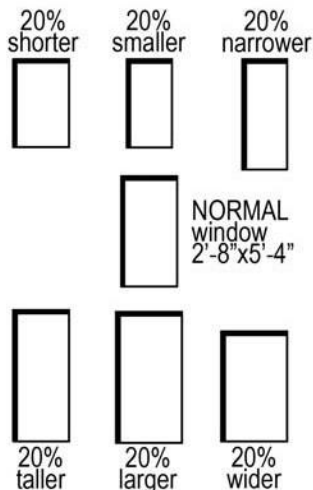
The following apply to all BFS, unless expressly stated otherwise within an individual BFS or otherwise designated on the REGULATING PLAN.

#### A. Frontage Transitions

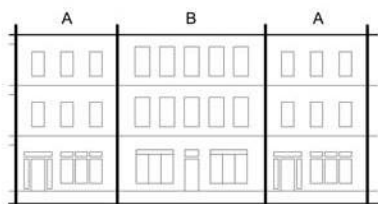
When the BFS designation shown on the REGULATING PLAN changes along a property's REQUIRED BUILDING LINE (RBL), the property owner has the option, for that property's STREET FRONTAGE only, of applying either BFS for a maximum additional distance of 50 feet, from the transition point shown on the REGULATING PLAN, in either direction along said RBL. This shall be limited by and within the parcel lines as they exist on the REGULATING PLAN and shall not be affected through lot line adjustments, lot mergers, or subdivisions – except through a formal rezoning process. (*See 205.B REGULATING PLAN Amendments*).

#### B. FACADE Composition

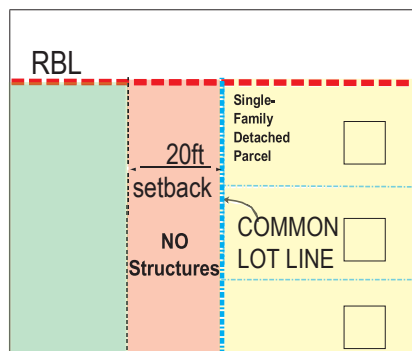
1. "FACADE composition" is the arrangement and proportion of FACADE materials and elements (windows, doors, columns, pilasters, bays). "Complete and discrete" distinguishes one part of the FACADE from another to give the appearance of distinct FACADES.
2. For each BLOCK FACE, FACADES along the RBL shall present a complete and discrete vertical FACADE composition to maintain and/or create the pedestrian-scale for the STREET-SPACE, at no greater than the following average STREET FRONTAGE lengths:
  - a. 60 feet for Urban Storefront frontage sites;
  - b. 75 feet for all other BFS frontages.



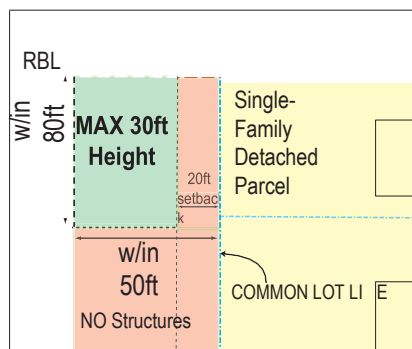
402.B.5.b. Illustrative intent



402.B.5.c. Illustrative intent



402.D.3.a.



402.D.3.b and c.

- c. A longer FACADE may be presented, as long as smaller FACADE compositions appear within the same BLOCK FACE in order to achieve the above-stated average.

3. Each FACADE composition shall include a functioning street entry door.
4. Individual infill projects on lots with STREET FRONTAGE of less than 100 feet on a BLOCK FACE are exempted from the overall FACADE composition requirement for that BLOCK FACE, but shall still include a functioning street entry. This requirement may be satisfied by liner shops (small/ shallow shops that sit in front of a larger footprint use such as grocery stores).
5. To achieve a complete and discrete vertical FACADE composition (Item 2 above) within a STREET FRONTAGE requires, at a minimum, Item a. below, and at least two additional items b-e that differ from one FACADE composition to the next:
  - a. Clearly different GROUND STORY FACADE composition (both framing materials and FENESTRATION proportions).
  - b. Different FENESTRATION proportions of at least 20 percent in height or width or height: width ratio. (See illustration 402.B.5.b.)
  - c. Different FACADE configurations with a clearly different 'bay' rhythm (e.g. 'ABA' - 'ABB' - 'BACB' - 'ABC'). (See illustration 402.B.5.c.)
  - d. Change in wall material (color changes are insufficient).
  - e. Change in total FENESTRATION percentage (minimum difference 12 percent; ground floor FACADES are not included).

## C. Building Size

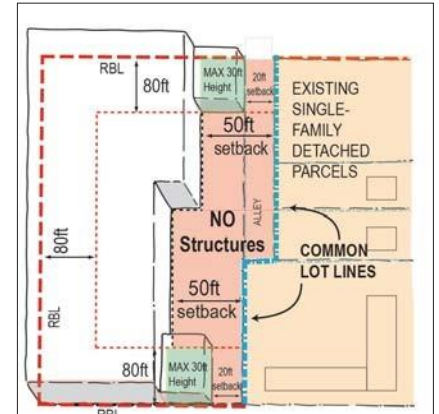
The maximum footprint for a building is 20,000 gross square feet. This shall not limit publically accessible parking structures built according to the standards of this Code.

## D. Neighborhood Manners

For the Urban General and Urban Storefront BFS frontages sharing a common lot line with a Detached Frontage or with a residential zoning district outside the Gateway District the following rules apply (see 402.E. Illustrative intent).

1. The NEIGHBORHOOD MANNERS setback areas are specified in the REGULATING PLAN.
2. A GARDEN WALL, 4 to 8 feet in height, shall be constructed within one (1) foot of the common lot line. Trees from the STREET TREE List shall be planted, on maximum 30-foot centers, between 5 and 10 feet from this wall. At planting, trees shall be at least 2.5 inches in diameter at designated breast height (DBH) and at least ten feet in overall height.
3. Within 80ft of the RBL:
  - a. There shall be a 20 foot setback from the common lot line. COMMON DRIVES, trees, and surface parking are permitted within this setback, but there shall be no structures within this area. (See diagram 402.D.3.a.)

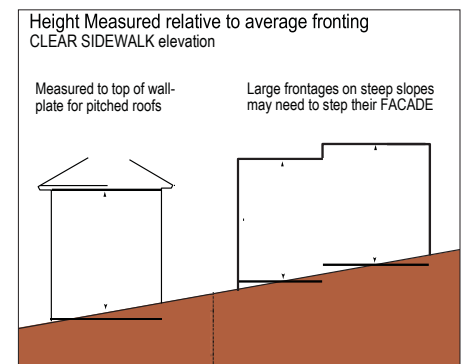
- b. Between 20 and 50 feet of the common lot line, any structure shall have a maximum height of 30 feet. This requirement supersedes any BFS STORY height requirement. (See *diagram 402.D.3.b.*)
  - c. The NEIGHBORHOOD MANNERS 20-foot Setback Area shall be adjusted with any frontage change per 402.A *Frontage Transitions*.
  - d. This area is specified in the REGULATING PLAN.
4. Farther than 80 feet from any RBL:
- a. There shall be a 50-foot setback from the common lot line. No structures with a height greater than the required GARDEN WALL maximum (per D.2 above) shall be permitted within this setback, excepting automobile-parking shelter-roofs, that are 10 feet or less in height. Parking, at grade and below, and COMMON DRIVES are allowed in this area. (See *diagram 402.D.1.c.*)
  - b. The NEIGHBORHOOD MANNERS 50-foot Setback Area shall move only in concert with a rezoning per *Part 2. Administration 207 Amendments to the Form-Based Code*.
  - c. The location of this area is specified in the REGULATING PLAN.



402.D. Illustrative intent, showing the limits to BUILDABLE per 402 D.

## E. Height

1. The height of all buildings is measured in stories, with an ULTIMATE BUILDING HEIGHT in feet, measured from the average fronting sidewalk elevation to the top of the wall plate, unless otherwise designated herein.
2. The minimum FACADE height that is required at the RBL is shown on the individual BFS.
3. The ceiling of an ENGLISH BASEMENT shall be at least 3 feet above the average fronting sidewalk grade with windows above grade. ENGLISH BASEMENT units do not count against the maximum STORY limit but do count against the ultimate height measurement.
4. An ATTIC STORY is not included in the ULTIMATE BUILDING HEIGHT or STORY height measurement.
5. Any portion of a parking structure within 30 feet of a building constructed under this Code shall not exceed that building's primary ridge or parapet height.
6. MEZZANINES that have a floor area greater than 1/3rd of the floor area of the STORY in which they are located shall count as an additional full STORY in the building height measurement.
7. MEZZANINES shall be set back from the RBL at least 25 feet.
8. The prescribed minimum STORY CLEAR HEIGHT shall be met by at least 80 percent of the specified STORY area.
9. The GROUND STORY finished floor elevation requirements shall be measured:
  - a. from the average exterior sidewalk elevation at the RBL, and
  - b. within 30 feet of any RBL.



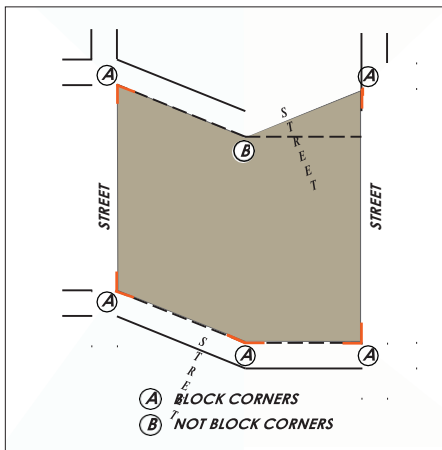
401.E.1. Height Reference



#### 402.F.1. Affordable Housing Details:

The uppermost FULL STORY will be allowed so long as a Gross Floor Area equal to 50% of that additional STORY is provided in the same building as Affordable Housing, as defined as 80% to 120% of Area Median Household Income.

*See Affordable Housing Development and Performance Standards in Section 804 for further requirements.*



402.G.2

10. For Urban General and Urban Storefront frontages the maximum GROUND STORY height shall be measured from the average fronting sidewalk elevation to the second STORY floor.

#### F. Bonus Story

1. Where an Urban General or Urban Storefront property has been approved by the City as eligible for a BONUS STORY, it is eligible for the maximum STORY limit and ULTIMATE BUILDING HEIGHT identified in the BFS in exchange for the provision of affordable housing (see text box for details) or for the following energy efficient construction standards: Vermont Commercial Building Energy Standards (VBES) Stretch Standards. Or current (relevant) equivalent to be determined by the Zoning Administrator.
2. The BONUS STORY shall only be constructed within 80 feet of the RBL.

#### G. Siting

1. Building FACADES shall be built to the RBL as prescribed in the BFS.
2. The building FACADE shall be built to the RBL within 30 feet of a BLOCK CORNER, unless otherwise specified in the BFS. (See diagram 402.G.2.)
3. The RBL, for all BFS frontages except Detached, designated on the REGULATING PLAN as an absolute line, incorporates an offset area (or depth) of 24 inches behind that line (into the BUILDABLE) allowing for jogs, FACADE articulation, etc. unless otherwise designated herein. Therefore, where the FACADE is placed within that 24-inch zone, it is considered to be "built to" the RBL.
4. For Detached frontages the RBL incorporates an offset area (or depth) of 10 feet behind that line (into the BUILDABLE) allowing for jogs, FACADE articulation, etc. unless otherwise designated herein. Therefore, where the FACADE is placed within that 10 foot zone, it is considered to be "built to" the RBL.
5. Where a STREET WALL is required, it shall be located along any RBL frontage that is not otherwise occupied by a building, within the 24-inch RBL zone.
6. Buildings may only occupy that portion of the lot specified as the BUILDABLE; within any LOT BUILDING LIMIT and outside of any NEIGHBORHOOD MANNERS setback.
7. No part of any building may be located outside of the BUILDABLE except overhanging eaves, awnings, SHOPFRONTS, BAY WINDOWS, STOOPS, steps, handicapped ramps approved by the Zoning Administrator, or balconies. STOOPS, steps, and ramps shall not be located within the CLEAR SIDEWALK area. For appropriate COMMERCE and retail uses, temporary displays or cafe seating may be placed in the DOORYARD.
8. There is no required setback from COMMON DRIVES except as otherwise indicated in the BFS.
9. There are no side lot setbacks, except as specified in Section E. NEIGHBORHOOD MANNERS (above) or in the individual BFS.
10. The PARKING SETBACK LINE is generally 30 feet behind the RBL and extends, vertically, from the FIRST FLOOR level, as a plane unless otherwise indicated on the REGULATING PLAN or in the BFS. Vehicle parking shall be located behind

the PARKING SETBACK LINE, except where parking is provided below grade, on-street, or otherwise indicated on the REGULATING PLAN.

11. All lots, including CORNER LOTS and through lots, shall satisfy the build- to requirements for any and all of their RBL frontages, and the DOORYARD and/or FRONT YARD requirements for each designated BFS, unless otherwise specified in this Code.

## H. Private Open Area

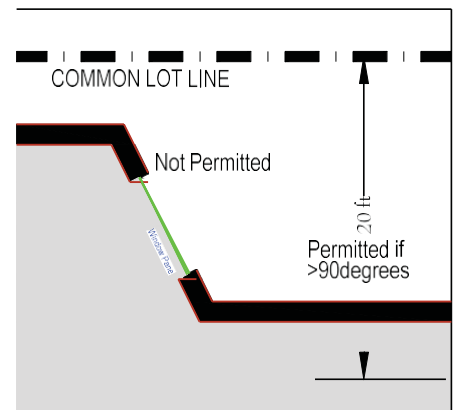
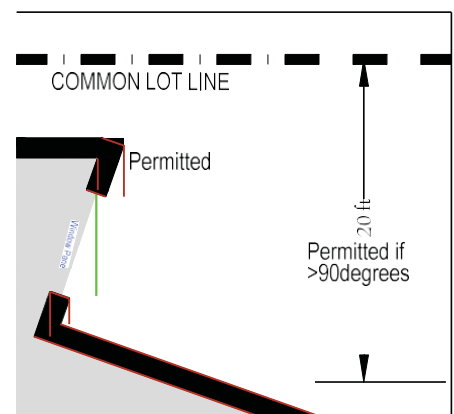
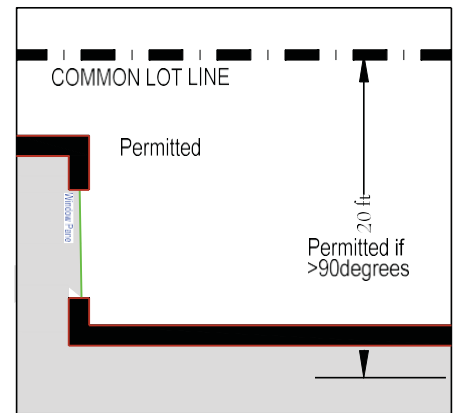
1. Any ground level required PRIVATE OPEN AREA shall have at least 1 tree per 800 square feet, of at least 2.5 inches in diameter at designated breast height (DBH) and at least 10 feet in overall height. Where new trees are planted to meet this requirement, they shall be no closer than four feet on center to any common lot line. Urban Storefront lots, and lots that are reusing existing structures where there is no existing ground level PRIVATE OPEN AREA are exempt from this requirement.
2. Species listed on the Vermont Invasive Plant Council list are prohibited from PRIVATE OPEN AREAS.

## I. Garage and Parking

Curb cuts or driveways shall be located at least 75 feet away from any BLOCK CORNER or parking structure entry on the same BLOCK FACE. This does not apply to driveways accessed off COMMON DRIVES.

## J. Elements

1. FENESTRATION is regulated as a percentage of the FACADE between floor levels. FENESTRATION is measured as glass area (including MULLIONS, MUNTINS, and similar window frame elements with a dimension less than one inch) and/or OPEN AREA.
2. FENESTRATION shall be distributed such that no 30-foot section of a FACADE violates the BFS percentage parameters.
3. Windows shall not direct views into an adjacent private lot where the common lot line is within 20 feet. Specifically: the window opening and it's window panes shall be at an angle of greater than 90 degrees to/ with the common lot line, unless:
  - a. that view is contained within the lot (e.g. by a PRIVACY FENCE or GARDEN WALL), or
  - b. the window's sill is at least 6 feet above its finished floor level, or
  - c. otherwise specified in the individual BFS.
4. No part of any building may project forward of the RBL except overhanging eaves, awnings, SHOPFRONTS, BAY WINDOWS, STOOPS, steps, balconies, or handicapped ramps approved by the Zoning Administrator.
5. GROUND STORY awnings shall shall have a minimum of ten-foot CLEAR HEIGHT above the sidewalk and a minimum five-foot depth, measured from the FACADE. The maximum depth is to back-of-curb or the TREE LAWN edge, whichever is less.
6. Balconies shall not project within 5 feet of a common lot line or encroach within the public right-of-way.



402.J.3 Plan View Diagrams

7. Where an individual BFS includes balconies as a method for achieving the required PRIVATE OPEN AREA, the BALCONY:
  - a. shall be enclosed by balustrades, railings, or other means that BLOCK at least 55 percent of the view through them;
  - b. shall not otherwise be enclosed above a height of 42 inches, except with insect screening and/or columns/posts supporting a roof or connecting with another BALCONY above; and
  - c. shall be roofed.
8. BAY WINDOWS shall have an interior clear width of between four and eight feet at the main wall. BAY WINDOWS shall project no more than 42 inches beyond the RBL and walls and windows of the bay shall be between 90 degrees (perpendicular) and 0 degrees (parallel) relative to the primary building wall from which they project.
9. Attic stories are permitted for all BFS frontages.
  - a. On the RBL/FACADE side of the roof pitch (BLOCK interior elevations are not restricted) ATTIC STORY windows may only be located in DORMERS and/or gable-ends.
  - b. ATTIC STORY DORMERS are permitted so long as they do not break the primary eave line, are individually less than 15 feet wide, and their collective width is not more than 60 percent of the RBL FACADE length.
  - c. Attic stories do not count against the ULTIMATE BUILDING HEIGHT or maximum STORY height as long as they meet the above standards.
10. For Urban General and Urban Storefront frontages, as an alternate to the ATTIC STORY, a HALF STORY is allowed above the maximum full STORY, provided that:
  - a. its footprint is no more than 50% of any of the stories below it,
  - b. it is set back from the FACADE below no less than 15 feet, and
  - c. not less than 1/3rd of the building's total roof area is constructed as a green roof.
  - d. Half stories do not count against the ULTIMATE BUILDING HEIGHT or maximum STORY height as long as they meet the above standards.
11. At least one functioning entry door shall be provided along each GROUND STORY FACADE. No GROUND STORY FACADE may include a section of greater than 75 feet without a functioning entry door, unless otherwise specified in the BFS.
12. All required FRONT PORCHES shall be completely covered by a roof. FRONT PORCHES may be screened (insect screening) when all architectural elements (columns, railings, etc.) occur on the outside of the screen on the side facing the STREET-SPACE. The finished FRONT PORCH floor height shall be no more than 8 inches below the first interior finished floor level of the building to which it is attached. FRONT PORCHES shall not extend past the DOORYARD into the clear walkway.
13. The finished STOOP floor height shall be no more than 8 inches below the first interior finished floor level of the building to which it is attached. STOOPS shall not extend past the DOORYARD into the clear walkway.
14. PRIVACY FENCES may be constructed along and within 6 inches of COMMON LOT LINES, except those forward of the RBL, and along COMMON DRIVES. PRIVACY FENCES shall have a maximum height of 8 feet.

## K. Building Functions

Allowable uses for ground stories and upper stories are identified in each BFS. Additional use standards are provided in *Part. 8 Building Functions*.

## L. Civic Buildings

When civic buildings are designated on the REGULATING PLAN, they are exempt from Part 4, except Neighborhood Manners.

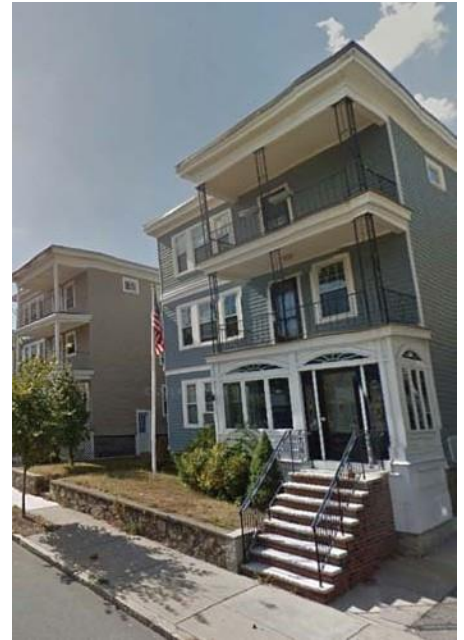


## 403. Urban General Frontage

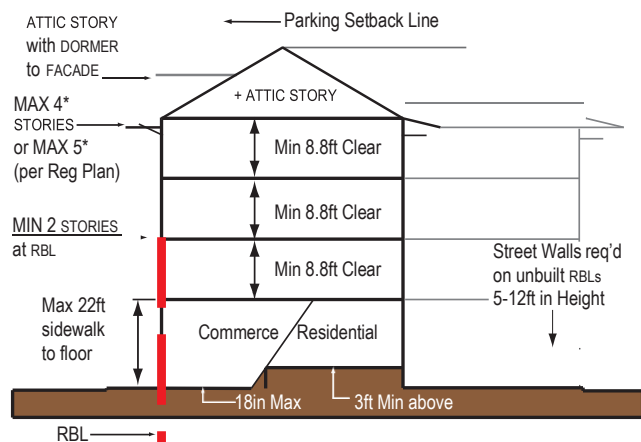
### ILLUSTRATIONS AND INTENT

*Note: These are provided as illustrations of intent. The illustrations and statements on this page are advisory only and do not have the power of law. Refer to the standards on the following pages for the specific prescriptions and restrictions of this Building Form Standard. Where these photos or statements may be inconsistent with the regulations, the regulations prevail.*

Urban General is the basic urban STREET FRONTAGE, once common in towns and cities across the United States. The purpose of this frontage is to develop multi- STORY buildings placed directly at the sidewalk with one or more entrances and windows across the FACADE. The uses range from commercial to residential, municipal to retail and restaurants – and combinations of all of the above. There could be several buildings lined up shoulder to shoulder, filling out a BLOCK, or on smaller BLOCKS, a single building might fill the BLOCK FACE. This frontage is designated in the more intense areas of the Gateway Corridors District and it is anticipated that there will be significant pedestrian traffic along these frontages.







## HEIGHT

### Building Height

The building shall be at least 2 stories in height at the REQUIRED BUILDING LINE, but no greater than 4<sup>1/2</sup> stories and 58 feet in height, except where designated 5<sup>1/2</sup> on the REGULATING PLAN (south of the rail line). There the ULTIMATE BUILDING HEIGHT is 65 feet.

\* In all cases, the uppermost full STORY shall only be permitted as a BONUS STORY. (See also 402. General Provision, F. BONUS STORY on page 19.)

### Ground Story Height

#### 1. COMMERCE, retail and civic uses

(See also *Urban Storefront Frontage* on page 24.)

- The GROUND STORY finished floor elevation shall be:
  - no lower than the average fronting exterior sidewalk elevation;
  - no higher than 18 inches above the average fronting sidewalk elevation.
- The GROUND STORY shall have a CLEAR HEIGHT of at least 12 feet contiguous to the RBL frontage for a minimum depth of 30 feet.

#### 2. Residential Units

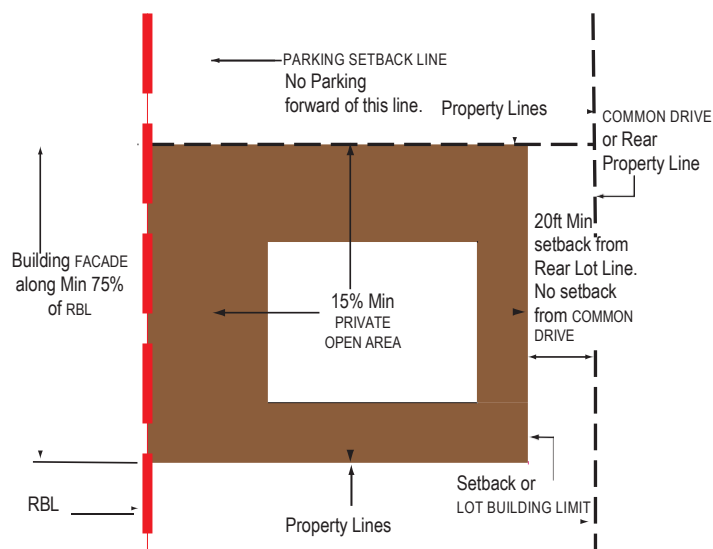
- The finished floor elevation shall be no less than 3 feet above the average fronting sidewalk elevation.
- The GROUND STORY shall have a CLEAR HEIGHT of at least 8.8 feet.

### Upper Story Height

The minimum CLEAR HEIGHT for upper stories is 8.8 feet.

### Street Wall Height

A STREET WALL not less than 5 feet in height or greater than 12 feet in height shall be required along any RBL frontage that is not otherwise occupied by a building on the lot.



## SITING

### FACADE

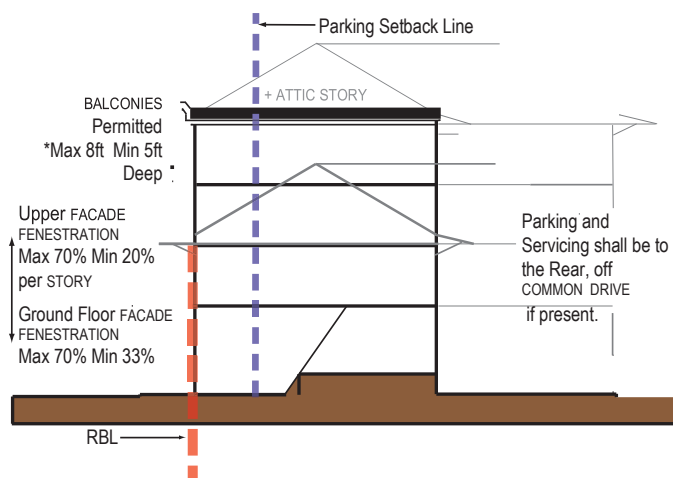
- On each lot the building FACADE shall be built to the REQUIRED BUILDING LINE for at least 75% of the RBL length.
- Within 8 feet of the BLOCK CORNER, the GROUND STORY FACADE may be chamfered to form a corner entry.

### Buildable Area

- The BUILDABLE is delineated in the diagram above.
- A PRIVATE OPEN AREA equal to at least 15% of the total BUILDABLE shall be preserved on every lot. Up to 33% of the required PRIVATE OPEN AREA may be satisfied through the balconies of individual units. At least 67% of the PRIVATE OPEN AREA shall comprise no more than two separate contiguous areas, as follows:
  - Where located at grade, such PRIVATE OPEN AREA may be located anywhere behind the PARKING SETBACK LINE, including within the NEIGHBORHOOD MANNERS Setback Area, but not in or beyond any COMMON DRIVE.
  - Where provided above the second STORY but below a building's highest roof level, the PRIVATE OPEN AREA may be located forward of the PARKING SETBACK LINE (such as in a raised courtyard configuration) and shall open onto no more than one STREET-SPACE and shall be set back at least 30 feet from any BLOCK CORNER or BUILDING CORNER.
  - Where located on the building's highest roof level, the PRIVATE OPEN AREA may be located anywhere on the roof.

### Garage and Parking

Openings in any RBL for parking garage entries shall have a maximum CLEAR HEIGHT no greater than 16 feet and a clear width no greater than 22 feet.



## ELEMENTS

### Fenestration

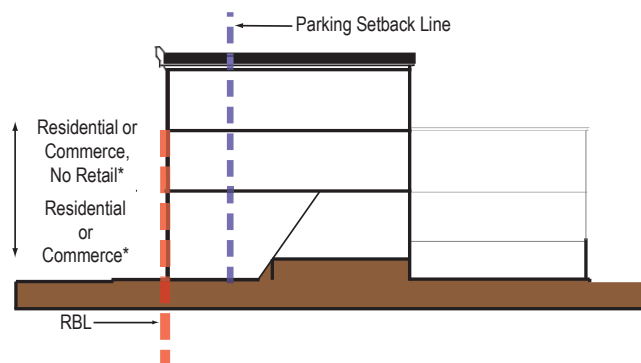
1. Blank lengths of wall exceeding 20 linear feet are prohibited on all REQUIRED BUILDING LINES (RBL).
2. GROUND STORY FENESTRATION shall comprise between 33% and 70% of the GROUND STORY FACADE.
3. Upper STORY FENESTRATION shall comprise between 20% and 70% of the FACADE area per STORY.

### Building Projections

1. Awnings shall project a minimum of 5 feet from the FACADE.
2. \* **These** BALCONY depth parameters are necessary to achieve any required PRIVATE OPEN AREA credits.

### Street Walls

One access gate no wider than 22 feet and one pedestrian entry gate no wider than 5 feet shall be permitted within any required street wall.



## USE

### Ground Story

The GROUND STORY may only house COMMERCE or residential uses. See height specifications above for specific requirements unique to each use.

### Upper Stories

1. The upper stories may only house residential or COMMERCE uses. \*No restaurant or RETAIL SALES uses shall be allowed in upper stories unless they are second STORY extensions equal to or less than the area of the GROUND STORY use.
2. No COMMERCE use is permitted above a residential use.
3. Additional habitable space is permitted within the roof where it is configured as an ATTIC STORY.

## 404. Urban Storefront Frontage



*These photos are provided as illustrations of intent. They are advisory only and do not have the power of law. Refer to the standards below and on the previous pages for the specific prescriptions and restrictions of this Building Form Standard. Where these photos or statements may be inconsistent with the regulations, the regulations prevail.*

Where Urban Storefront is designated on the REGULATING PLAN, the Urban General BFS standards (previous pages) shall apply, except that the GROUND STORY configuration shall be that of a SHOPFRONT with uses, forward of the PARKING SETBACK LINE, limited to COMMERCE.

- The GROUND STORY shall have a CLEAR HEIGHT of at least 12 feet contiguous to the RBL frontage forward of the PARKING SETBACK LINE.
- GROUND STORY FENESTRATION shall comprise between 50% and 90% of the GROUND STORY FACADE.
- Single panes of glass shall not be permitted larger than 10 feet in height by 5 feet in width.
- GROUND STORY windows may not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space). A minimum of 80% of the window surface shall allow a view into the building interior for a depth of at least 12 feet.
- SHOPFRONTS may extend up to 24 inches beyond the FACADE or RBL into the DOORYARD, but shall not project into the clear walkway.



## 405. Townhouse/Small Apartment

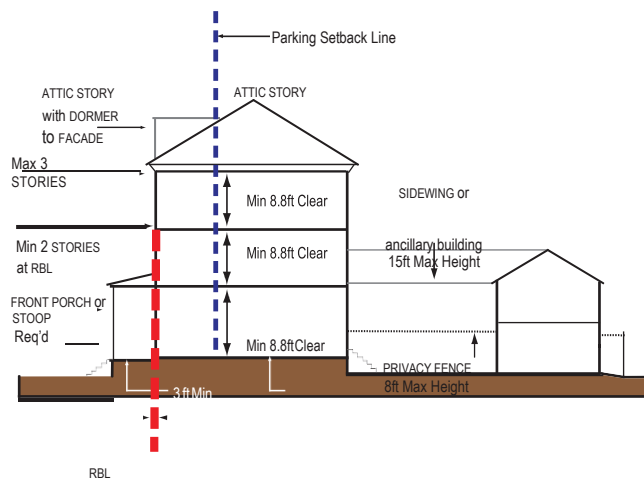
### ILLUSTRATIONS AND INTENT

*Note: These photos and statements are provided as illustrations of intent and are advisory only. They do not have the power of law. Refer to the standards on the following pages for the specific prescriptions and restrictions of the Townhouse/SMALL APARTMENT BUILDING Form Standard. Where these photos or statements may be inconsistent with the regulations, the regulations prevail.*

The Townhouse/Small Apartment frontage is of moderate intensity, often created by a series of smaller attached structures — configured as single-family residential or stacked flats. This building form standard has regular street-space entrances, as frequently as 18 feet. The character and intensity of this frontage varies depending on the STREET-SPACE and the location of the REQUIRED BUILDING LINE — the buildings may be placed up to the sidewalk with STOOPS, or further back with small DOORYARD gardens and/or FRONT PORCHes.

Similar in scale to the townhouse and row house, a small apartment is of limited size and can also be used to transition from the more intense areas of the Gateway District to adjacent, and less intense, neighborhoods. It is anticipated that the pedestrian activity along these frontages will vary considerably based on the time of day and week.





## HEIGHT

### Building Height

- Each building shall be at least 2 stories high at the REQUIRED BUILDING LINE (RBL), but no more than 3 stories with an ULTIMATE BUILDING HEIGHT of 40 feet, unless otherwise designated on the REGULATING PLAN.
- Aside wing or ancillary structure shall be no higher than 15 feet in height.

### Ground Story Height

- The finished floor elevation shall be no less than 3 feet and no more than 8 feet above the average exterior sidewalk elevation at the RBL.
- At least 80% of the GROUND STORY shall have an interior CLEAR HEIGHT of at least 8.8 feet.
- Main entrances may be at grade, with transitions to meet the minimum finished floor elevation within the building interior.

### Upper Story Height

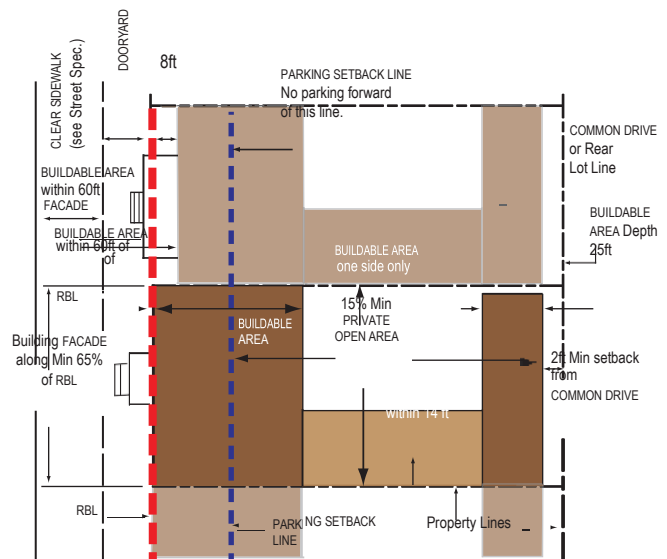
- At least 80% of each upper STORY shall have an interior CLEAR HEIGHT of at least 8.8 feet.

### English Basements

The finished floor level of the ENGLISH BASEMENT shall be no greater than 4 feet below the average elevation of the fronting sidewalk.

### Street Wall Height

A STREET WALL not less than 4 feet in height or greater than 8 feet in height shall be required along any RBL frontage that is not otherwise occupied by a FACADE.



## SITING

### FACADE

On each BFS frontage, the FACADE shall be built to:

- the RBL for at least 65% of the RBL length, or
- a line an additional 8 feet behind the RBL (only permitted to accommodate a FRONT PORCH—see *Elements* on the next page for FRONT PORCH requirements) with a width not less than 65% of the RBL.

### Buildable Area

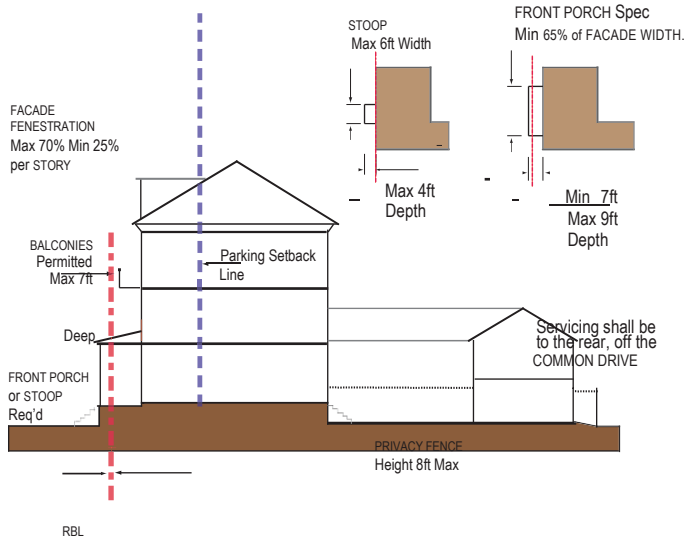
- The BUILDABLE is as defined in the diagram above.
- A PRIVATE OPEN AREA equal to at least 15% of the total BUILDABLE shall be preserved on every lot (for each unit where done as a townhouse). The required PRIVATE OPEN AREA shall be located at grade anywhere behind the PARKING SETBACK LINE and shall not include any side or rear setback areas.
  - For lots deeper than 50 feet, up to 33% of the required PRIVATE OPEN AREA may be satisfied through the balconies and/or raised decks of individual units.
  - For all other lots, 100% of the required PRIVATE OPEN AREA may be above grade, via balconies or decks.

### Garage and Parking

- Garage doors/entries are not permitted on any RBL/FACADE.
- At-grade parking may be forward of the PARKING SETBACK LINE only when it is within a garage on a CORNER LOT, within 40 feet of a rear lot line, and the parking area's RBL frontage is less than 25 feet.

### Frontage Widths

- The minimum width for new townhouses is 18 feet.
- Although there are no individual BFS side setbacks, no individual SMALL APARTMENT BUILDING or contiguous set of townhouses may exceed 100 feet of STREET-SPACE frontage. A gap of at least 15 feet is required between buildings.



## ELEMENTS

### Fenestration

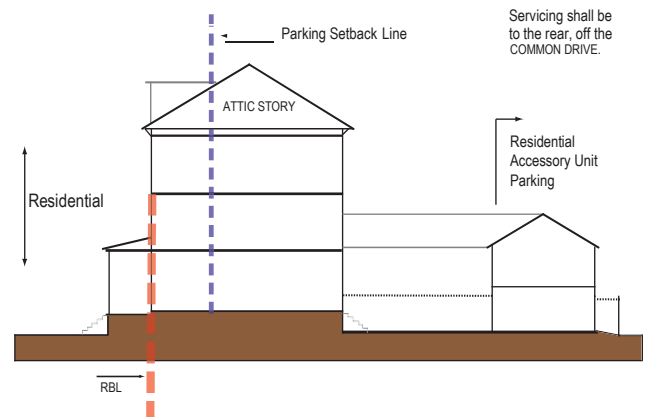
1. Blank lengths of wall exceeding 15 linear feet are prohibited on all FACADES.
2. FENESTRATION shall comprise between 25% and 70% of the FACADE.
3. Each townhouse and/or SMALL APARTMENT BUILDING shall include a functioning STREET-SPACE entry.

### Building Projections

1. Each townhouse or SMALL APARTMENT BUILDING shall include either:
  - a. a STOOP of not more than 4 feet deep and 6 feet wide (not including steps), or
  - b. a FRONT PORCH, between 7 and 9 feet deep,
    - that projects no more than 1 foot forward of the RBL, and
    - with a width not less than 65% of the FACADE

### Street Walls

One access gate no wider than 15 feet and one pedestrian entry gate no wider than 5 feet shall be permitted within any required street wall.



## USE

### All Stories

1. Only residential uses are permitted. This includes Home Occupation uses.
2. Individual townhouses shall have no more than two residential units, including the ACCESSORY UNIT.
3. Buildings configured as small apartments have no set limit to the number of units. The maximum number of units in a SMALL APARTMENT BUILDING is set by limits on the building's size.
4. ENGLISH BASEMENT ACCESSORY UNITS are only permitted in townhouses.

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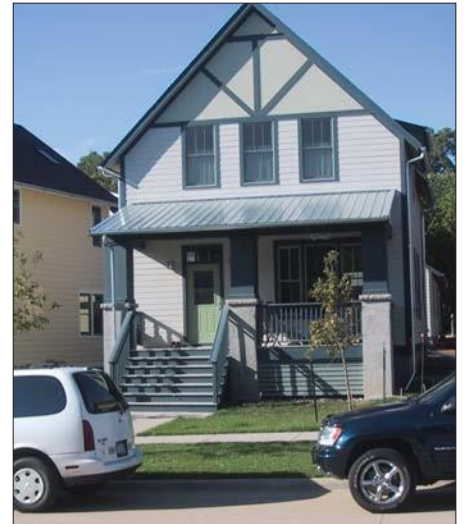


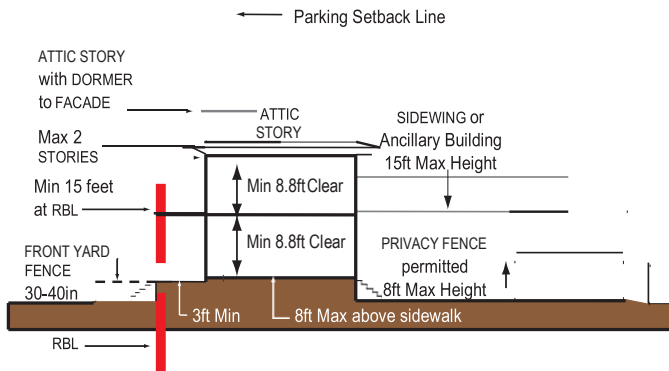
## 406. Detached Frontage

### ILLUSTRATIONS AND INTENT

*Note: These photos and statements are provided as illustrations of intent and are advisory only. They do not have the power of law. Refer to the standards on the following pages for the specific prescriptions and restrictions of the Detached Building form standard. Where these photos or statements may be inconsistent with the regulations, the regulations prevail.*

The detached frontage is represented by the traditional single family house with small front, side, and rear yards along a tree-lined street. Structures are 1 to 2 stories in height with pitched roofs and FRONT PORCHES. Its purpose is to reinforce the character of existing single family neighborhoods.





## HEIGHT

### Building Height

1. Each building shall be at least 15 feet at the REQUIRED BUILDING LINE (RBL), but no greater than 2 stories with an ULTIMATE BUILDING HEIGHT of 27 feet.
2. A SIDEWING or ancillary structure shall be no higher than 15 feet.

### Ground Story Height

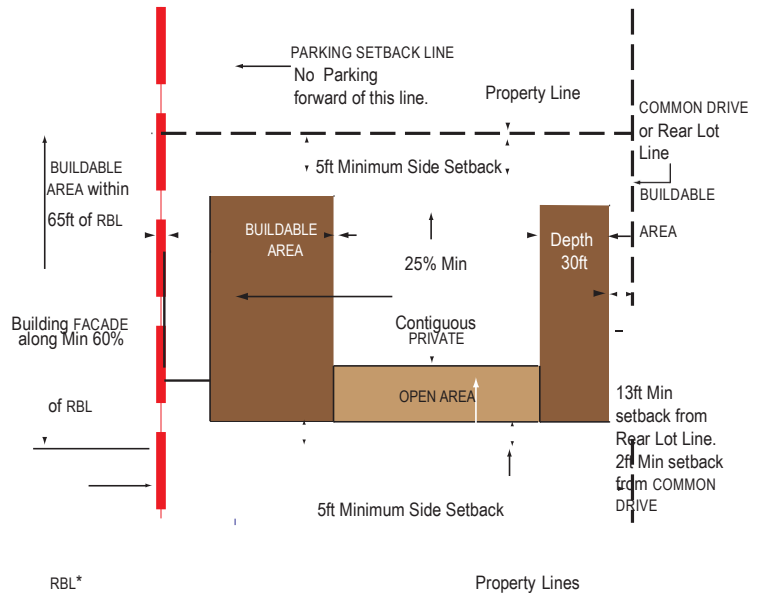
1. The finished floor elevation shall be no less than 3 feet and no more than 8 feet above the average exterior sidewalk elevation at the RBL.
2. At least 80% of the first STORY shall have an interior CLEAR HEIGHT of at least 8.8 feet.

### Upper Story Height

1. At least 80% of each upper STORY shall have an interior CLEAR HEIGHT of at least 8.8 feet.

### Front Yard Fence

Any FRONT YARD fence has a minimum height of 30 inches and a maximum height of 40 inches.



## SITING

### FACADE

1. \*For Detached frontages the REQUIRED BUILDING LINE (RBL) shall be ten (10) feet deep/ wide, extending into the lot (see 402.G.4).
2. On each lot the FACADE shall be built parallel to the REQUIRED BUILDING LINE (RBL) for at least 60% of the building width. The FRONT PORCH shall be built to the RBL.
3. For CORNER LOTS the minimum 60% build-to shall include the frontage within 20 feet of the BLOCK CORNER.

### Buildable Area

1. The BUILDABLE is as defined in the diagram above.
2. A contiguous PRIVATE OPEN AREA equal to at least 25% of the total BUILDABLE shall be preserved on every lot. Such contiguous area shall be located at grade, anywhere behind the PARKING SETBACK LINE and not include any side or rear setbacks.

### Lot Size and Setbacks

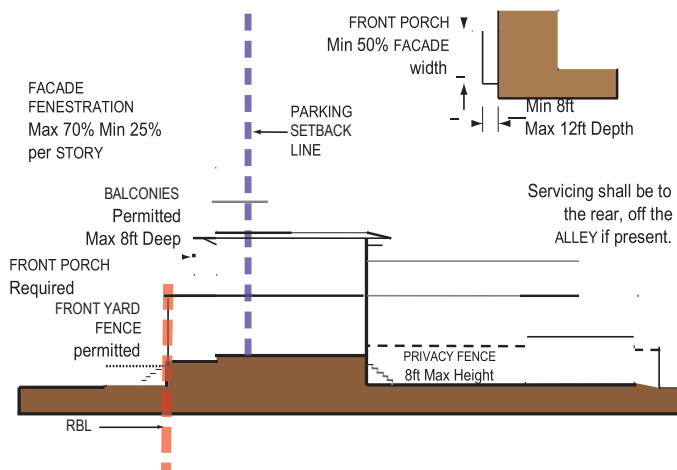
1. All lots of record are buildable under this code.
2. Newly subdivided lots shall have a minimum width at the RBL of 32 feet, a maximum width of 55 feet, and a minimum depth of 85 feet.
3. The minimum side lot setbacks are 5 feet or as otherwise designated on the REGULATING PLAN.

### Front Yard

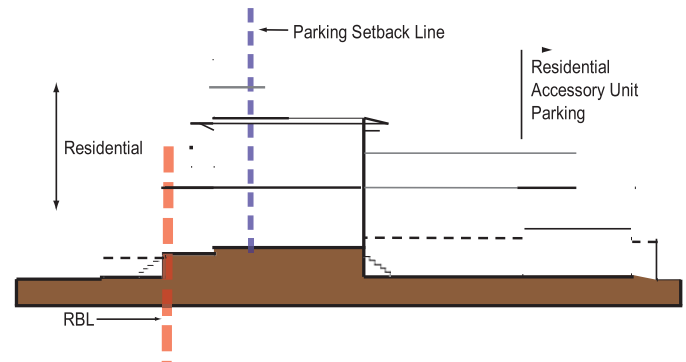
1. The FRONT YARD/DOORYARD shall not be paved excepting walkways.
2. Where through lots or CORNER LOTS exist, any FRONT YARD standards shall be applied on both STREET-SPACE frontages.

### Garages, Parking and Common drives

1. Garage doors shall not be located on the RBL/FACADE.
2. There is a 2 foot required setback from COMMON DRIVES.



**ELEMENTS**



**USE**

### Fenestration

1. Blank lengths of wall exceeding 15 linear feet are prohibited on all FACADES.
2. FENESTRATION shall comprise at least 25%, but not more than 70%, of all FACADES.
3. No window may face or direct views toward a common lot line within 10 feet unless:
  - a. that view is contained within the lot (e.g. by a PRIVACY FENCE/GARDEN WALL), or
  - b. the window sill is at least 6 feet above the finished floor level.

### Building Projections

1. Each building FACADE shall include a FRONT PORCH at the RBL, between 8 feet and 12 feet deep with a width not less than 1/2 of the FACADE width.
2. No building element except the FRONT PORCH eaves and steps may encroach beyond the RBL into the DOORYARD.

### Doors/Entries

At least one functioning entry door shall be provided along the GROUND STORY FACADE of each building FACADE.

### Street Walls and Fences

1. There is no STREET WALL requirement.
2. Any FRONT YARD fence shall be within one foot of the clear walkway/DOORYARD line parallel to the RBL and along COMMON LOT LINES to a point at least 10 feet behind the RBL.
3. A PRIVACY FENCE may be constructed along a common lot line behind the FACADE.

### All Stories

1. Only residential uses are permitted. This includes Home Occupation uses.
2. Individual detached lots may have up to two residential units, plus one ACCESSORY UNIT, provided one unit is owner occupied.

### Gateway District Perimeter Frontages

Where a Detached frontage at the perimeter of the Gateway District is under common ownership with an Urban General frontage: the FRONT PORCH and side setback requirements are waived. The building may then be attached and a part of the adjacent Urban General building. The FACADE shall then be built to the RBL instead of the FRONT PORCH.

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## Part 5. Urban Space Standards

### 501. Applicability

- A. These elements shall be implemented as makes sense within appropriately scaled private sector developments, public-private partnerships, the municipal budget, and special available funds.
- B. All work within the STREET-SPACE shall be coordinated with the Department of Public Works.

### 502. Intent

- A. Although commonly thought of as just parks or greens, urban space (or the public realm) is much more; it includes the complete STREET-SPACE — the public domain between the building FACADES; the travel lanes between the curbs as well as the sidewalks; urban SQUARES as well as CIVIC GREENS.
- B. The goals for the Urban Space are:
  - 1. To establish an environment that encourages and facilitates pedestrian activity. “Walkable” streets are comfortable, efficient, safe, and interesting.
  - 2. To ensure the coherence of the STREET-SPACE, serving to assist residents, building owners, and managers with understanding the relationship between the STREET-SPACE and their own properties.
  - 3. To contribute to ultimate sustainability. Native (and non-native adapted) trees and plants contribute to privacy, the reduction of noise and air pollution, shade, maintenance of the natural habitat, conservation of water, and storm-water management.
- C. Property frontages and building FACADES are part of the public realm, literally forming the walls of the public STREET-SPACE and are therefore subject to more regulation than the other portions of the private property.
- D. The private, interior portions of the lots (toward the COMMON DRIVE or rear lot lines) are much less regulated to allow commercial operators to utilize these spaces as efficient working environments unseen by the public and to allow residents to have private (a semi-private common area for apartment and condominium dwellers) gardens and courtyards.



*The STREET-SPACE*



*The STREET-SPACE is a human and sustainable environment*

## 503. Street Type

For specific information regarding standards for improvements within the street-space refer to the City Public Works Specifications and the Winooski Transportation Plan.

### A. Intent and Principles

#### 1. General Intent

- a. Streets are a community's first and foremost public spaces and should be just as carefully designed and planned as any park or public building. The character of the STREET-SPACE – both its scale and its details – determines the pedestrian quality of a given location.
- b. Streets must balance the needs of all forms of traffic – auto, transit, bicycle and pedestrian – to maximize mobility and convenience for all residents and users. Their character will vary depending on their location: some streets will carry a large volume of traffic and provide a more active and intense urban pedestrian experience while others will provide a less active and more intimately scaled STREET-SPACE.
- c. These are complete streets and must be developed as such to create people-oriented places balancing all transportation modes. These streets are designed to balance walkability and pedestrian comfort with automobile movement.



*Street Trees and the tree lawn reduce storm-water impacts*



## 504. Streetscape Standards

### A. General Provisions

1. All work within the STREET-SPACE shall be coordinated with the Department of Public Works.
2. STREET TREES shall be required along any street, and along any existing public street. In the event that the City has adopted a STREET TREE plan for a district or road segment, the City may require tree plantings and installation of STREETLIGHTS that are consistent with the plan, or payment in lieu of trees to ensure plantings are done consistently with City parking, utility and other street-scape improvement projects.
3. STREET TREES and lighting shall be planted to City of Winooski Public Works Specifications.
4. In addition to the lot, the owner must maintain the following areas:
  - a. The portion of the STREET-SPACE between their RBL and the back of the curb.
  - b. The portion of the COMMON DRIVE on either side of the COMMON DRIVE pavement.
5. Mechanical and electrical equipment including, but not limited to, air compressors, pumps, exterior water heaters, water softeners, private garbage cans (not including public sidewalk waste bins), and storage tanks may not be stored or located within any STREET-SPACE. Water pumps for public fountains or irrigation not visible are not included in this prohibition. Temporary placement of private garbage cans within the STREET-SPACE may be allowed to accommodate scheduled pick-up.

## 505. Squares and Civic Greens

### A. Intent

1. These standards apply to those spaces that are either publicly owned or publicly accessible, as designated on the regulating plan.
2. SQUARES, and CIVIC GREENS should be situated at prominent locations. The plants and trees of SQUARES and CIVIC GREENS provide a landscape and civic architecture that complement the surrounding private building architecture.
3. SQUARES are active pedestrian centers. CIVIC GREENS are spaces intended for less intensive foottraffic.
4. Pervious paving materials (to allow oxygen for tree roots and absorb stormwater run-off) are encouraged in both SQUARES and CIVIC GREENS, and the percentage of impervious paving material is limited. (see *C. Materials and Configurations* below.)

### B. Standards

SQUARES and CIVIC GREENS, established after the date of adoption, must be designed, planted and maintained according to the following requirements:

1. SQUARES and CIVIC GREENS shall have at least 60 percent of their perimeter fronting public rights-of-way. Both shall be surrounded by STREET TREES. Their dimensions shall be no narrower than a 1:5 ratio and no SQUARE or CIVIC GREEN width or breadth dimension shall be less than 25 feet.
2. Appropriate to their high (pedestrian) traffic level SQUARES must be designed with a higher percentage of paved surface area.
3. A clear view through the SQUARE or CIVIC GREEN (from two to seven feet in height) is required, both for safety and urban design purposes.
4. SQUARES and CIVIC GREENS shall not include active recreation structures such as ball fields and courts.
5. SQUARES and CIVIC GREENS are for public use and access shall not be constrained. Not less than 60 percent of their tract area shall be usable space, available to the public as walkable/occupiable, picnic-able open space, unimpeded by structures, art installations, sculptures, or landscape design elements (excluding plant material).

### C. Materials and Configurations

1. General
  - a. The maximum slope across any SQUARE or CIVIC GREEN shall not exceed ten percent.
  - b. Except for tree trunks, STREETLIGHTS, civic use buildings, public art or monuments, there shall be a clear view between two and seven feet above grade. The foliage of newly planted trees may intrude into this area until the tree has sufficient growth to allow such a clear trunk height.
  - c. Trees within a SQUARE or CIVIC GREEN may also be selected from the Tree List (see *Sec. 506*).
  - d. Asphalt is prohibited within a SQUARE or CIVIC GREEN tract.
2. Pedestrian Pathways

The area within a PEDESTRIAN PATHWAY shall be a public access easement or public right of way. The easement width for these pathways must not be less than 20 feet with a paved walkway not less than 10 feet wide providing an unobstructed view straight through its entire length, except where otherwise specified on the REGULATING PLAN.

## 506. Tree Lists

### A. General

1. All trees in private space in the Gateway Districts shall be suited to USDA Zone 4 and the particular site. Trees recommended by Vermont Urban and Community Forestry are preferred.
2. All trees for use in the Gateway District STREET-SPACE shall meet the City of Winooski Public Works Standards and Specifications.
3. The use of native species is recommended and may be required as necessary to avoid the introduction and spread of nuisance or exotic species.



502. Intent Illustration, A Tradition of STREET TREES in Winooski.



## Part 6. Architectural Standards

### 601. Intent

- A. **These** architectural standards establish basic parameters regarding functional building element configurations and palettes for building materials.
- B. The architectural standards serve to establish a coherent character and encourage a high caliber, lasting quality of development. Buildings shall be reviewed by the Zoning Administrator to verify that they meet the architectural standards (as well as the balance of this Code). The Zoning Administrator may also work with the developer or designer to show them how to work within these requirements.
- C. In order to establish and maintain a sense of place, these standards specify an architectural aesthetic of load-bearing walls and regional materials. Buildings should reflect and complement the traditional materials and techniques of Vermont. The standards also specify details, such as window proportions, roof or cornice configurations, SHOPFRONTS, and overhangs.



*Traditional brick house with simple architectural detailing*

### 602. General Principles

- A. All building materials to be used shall express their fundamental properties. For example, stronger and heavier materials (masonry) support lighter materials (wood).
- B. EQUIVALENT OR BETTER.
  - 1. While only materials, techniques, and product types prescribed here are allowed, EQUIVALENT OR BETTER practices and products are encouraged. They may be submitted to the Zoning Administrator for review. The Zoning Administrator is authorized to approve alternative materials and methods if they maintain the intent of these standards.
  - 2. Additional products may be added to the list through a text amendment to this Code or may be allowed on a case by case basis through a *Administrative Adjustment* approved in accordance with Part 2, Administration.
- C. Where CLEARLY VISIBLE FROM THE STREET-SPACE.
  - 1. Many of these standards apply only in conditions where CLEARLY VISIBLE FROM THE STREET-SPACE. Note that the definition of street- space includes parks, SQUARES, and CIVIC GREENS but not COMMON DRIVES.
  - 2. These controls therefore concentrate on the public space/views from the public space and minimize interference in the private realm. For example, an architectural element that is visible only through an opening in a STREET WALL is not clearly visible from the street- space. A building element that is more than 30 feet behind the REQUIRED BUILDING LINE does not meet the definition of where CLEARLY VISIBLE FROM THE STREET-SPACE.



*Cast iron SHOPFRONT with brick second STORY*



*FRONT PORCH with stone pier and wooden column*



## 603. Building Walls

### A. Applicability

Exterior building walls, FACADES and elevations.

### B. Intent

Building walls should define the public realm — the STREET-SPACE. All walls should express the construction techniques and structural constraints of traditional, long-lasting, building materials. Simple configurations and solid craftsmanship are favored over complexity and ostentation in building form and the articulation of details.

*The illustrations and statements of subsection B. Intent, are advisory only. Refer to the Code standards on the following page for the specific prescriptions of this section.*



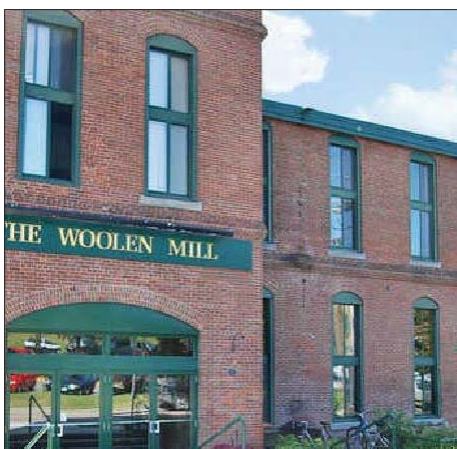
Material change between brick and clapboard made at appropriate structural location.



Winooski building with brick FACADE and ornate window surrounds



Wooden clapboards on ground floor and wooden shingles above



Woolen mill with brick walls and segmental arched lintels over windows and doors



Newly constructed brick townhouses with rich architectural detailing



Mixed-use building FACADE with stone GROUND STORY and wood siding above.

### **C. Primary FACADE Materials.**

Primary building materials shall be used on a minimum of 75% of the FACADE.

1. Brick
  - a. Ground-floor brick shall be clay brick with a nominal depth of at least 3".
  - b. Brick above the ground floor may have variable thickness.
  - c. Tile
2. Wood (or approved fiber cement siding)
3. Natural Stone (or Integrally-colored synthetic, EQUIVALENT OR BETTER.
4. Stucco (cement plaster)
5. Metal (where used as a primary material, only copper, stainless steel (18-8 or better), and titanium are permitted.)

### **D. Secondary Materials**

Secondary materials are permitted on a maximum of 25% of the FACADE surface area and on all side and rear elevations.

1. All materials allowed in 603.C.
2. Metal
3. Ground- or Split-faced BLOCK (integrally colored)
4. Glass BLOCK
5. Decorative tile
6. Pre-cast masonry
7. Synthetic materials (above the second STORY) as approved by the Zoning Administrator
8. For side and rear elevations only (no FACADES); vinyl siding, grade approved by the Zoning Administrator.

### **E. Configurations and Techniques**

The following configurations and techniques are permitted.

#### **1. Walls**

- a. Wall openings (FENESTRATION); the horizontal dimension of the opening shall not exceed the vertical dimension except where otherwise prescribed in this Code (*no more squat than square*).
- b. Wall openings (FENESTRATION) shall not span vertically more than one STORY .
- c. Wall openings (FENESTRATION) shall correspond to the interior space and shall not span across building structure such as floor or wall structural thicknesses.
- d. Material changes shall be made with appropriate construction details for each abutting material – as where an addition (of a different material) is built onto the original building.

#### **2. Wood Siding and Wood Simulation Materials**

- a. Horizontal siding shall be configured with a maximum board exposure of 8" .
- b. Board and batten siding shall have a maximum board width of 12" .
- c. Siding and shingles shall be smooth or rough-sawn finish.

#### **3. Brick, Block and Stone**

All masonry shall be in an apparent load-bearing configuration.

#### **4. Stucco (cementitious finish)**

- a. Finish coat shall be smooth or sand only, no roughly textured finish.
- b. Stucco shall not come in contact with the ground surface.



## 604. Roofs and Parapets

### A. Applicability

where CLEARLY VISIBLE FROM THE STREET-SPACE.

### B. Intent

Roofs and parapets should demonstrate common-sense recognition of the climate by utilizing appropriate pitch, drainage, and materials in order to provide visual coherence to the district. Roof forms are not interchangeable. The roof type is integral to the design of the building and its architectural character.

The slope of a pitched roof is determined by local climatic conditions (such as the ability to shed snow loads) and physical properties of the roofing material.

Parapets are low guarding walls at the edge of roofs (usually flat) and are formed by extensions of the building FACADES.

Cornices are crowning (trim) projections on a parapet wall. While the code contains parameters for the horizontal projection, these elements should be designed to be appropriate for the building and proportionate for the dimensions of the FACADE.

*The illustrations and statements of subsection B. Intent, are advisory only. Refer to the Code standards on the following page for the specific prescriptions of this section.*



Roof with multiple pitch configurations



Pitched roof with enclosed eaves



Parapet wall with projecting cornice



Pitched roof gable end with brackets



Parapet wall with coping



Projecting cornice



Overhanging eave



Pitched roof with large overhang, brackets, and exposed rafter tails

## C. Materials

1. Only the following roofing materials are permitted:
  - a. Clay or concrete (faux clay).
  - b. Tile (beavertail or flat roman).
  - c. Slate (and equivalent synthetic or better).
  - d. Metal (standing seam, EQUIVALENT OR BETTER).
  - e. Dimensional Architectural Grade composition shingles.
  - f. Wood Shingles
2. Additional permitted roof features:
  - a. Skylights and Solar Panels.
  - b. Cornices and soffits may be a combination of wood, vinyl, synthetic materials (above the second STORY) as approved by the Zoning Administrator, and/or metal.
  - c. Gutters and downspouts may be vinyl, and/or metal in accordance with industry standards.

## D. Configurations and Techniques

The following configurations and techniques are permitted.

### 1. Flat Roofs with Parapet Walls

Allowed for General Urban, General Storefront, and Townhouse/Small Apartment frontage sites where the roof material is not visible from any adjacent STREET-SPACE.

### 2. Pitched Roofs

Pitch (exclusive of roofs behind parapet walls):

- a. Simple hip and gable roofs shall be pitched between 5:12 and 12:12.
- b. Shed roofs, attached to the main structure, shall be pitched between 3:12 and 8:12.

### 3. Overhang Requirements

- a. Eaves shall overhang 8 to 30 inches on the primary structure.
- b. Eaves on accessory buildings, DORMERS, and other smaller structures shall overhang at least six inches.
- c. Timber eaves and BALCONY brackets shall be a minimum of three ~~four~~ inches by three inches in dimension.
- d. Buildings may satisfy the overhang requirement with a cornice or similar form projecting from near the top of the building wall horizontally between 6 and 24 inches beyond the building wall.

### 4. Other Features

Roof vents are permitted only on the roof plane opposite the STREET-SPACE (or REQUIRED BUILDING LINE) or when shielded from STREET-SPACE view by the building's parapet wall.



## 605. Street Walls and Garden Walls

### A. Applicability

Where CLEARLY VISIBLE FROM THE STREET-SPACE.

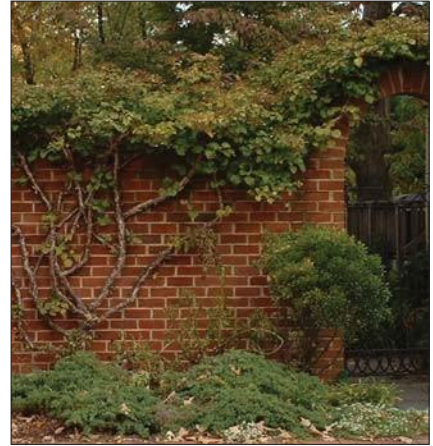
### B. Intent

Property lines are physically defined by buildings, walls, or fences. Land should be clearly public or private – in public view or private and protected.

STREET WALLS and GARDEN WALLS establish a clear edge to the STREET-SPACE where the buildings do not. **These** requirements include masonry walls that define outdoor spaces and separate the STREET-SPACE from the private realm (e.g. parking lots, trash cans, gardens, and equipment). All STREET WALL and GARDEN WALL faces shall be as carefully designed as the building FACADE, with the finished side out (i.e. the “better” side facing the STREET-SPACE).

A STREET WALL is a masonry wall set back not more than eight inches from the REQUIRED BUILDING LINE or adjacent building FACADE and built to the height specified in the BUILDING FORM STANDARDS.

*The illustrations and statements of subsection B. Intent, are advisory only. Refer to the Code standards on the following page for the specific prescriptions of this section.*



GARDEN WALL defining private yard



STREET WALL with gate between FACADES



STREET WALL with gate between FACADES



STREET WALL with pedestrian and automobile gates shielding service area from public realm



Brick STREET WALL between Townhouses

## C. Materials

Only the following materials are permitted:

1. Walls
  - a. Native/regional stone and EQUIVALENT OR BETTER imitation stone.
  - b. Brick.
  - c. Stucco on concrete BLOCK or poured concrete (only when a brick or stone coping is provided).
  - d. A combination of materials (e.g. stone piers with brick infill panels).
  - e. Wood (where configured to be effectively opaque).
2. Gates
  - a. Metal (wrought iron, welded steel and/or electro-statically plated black aluminum) - may be used for gates and FENESTRATION.
  - b. Wood.

## D. Configurations and Techniques

The following configurations and techniques are permitted:

1. STREET WALLS along any unbuilt REQUIRED BUILDING LINE shall be built to the height and length specified in the building form standard.
2. STREET WALLS and GARDEN WALLS taller than 4 feet shall be subject to the FENESTRATION requirements of their BFS frontage.
3. Coping, or similar finish cap, shall project between one inch and four inches from the face of the STREET WALL.
4. Metal work may additionally be treated to imitate a copper patina.



*Brick STREET WALL with coping fronting a parking area.*



## 606. Windows and Doors

### A. Applicability

Where CLEARLY VISIBLE FROM THE STREET-SPACE.

### B. Intent

The placement, type, and size of windows and doors on the FACADE largely establishes the scale and vitality of the STREET-SPACE. For commercial buildings, they allow interplay between the shop interiors and the STREET-SPACE.

Commercial uses (especially restaurants and retail establishments) benefit from exposure to the passers-by and the STREET-SPACE benefits from the visual activity. For residences, they foster the “eyes on the street” surveillance which provides for the security and safety for the area.

Windows should be divided by multiple panes of glass to preserve a smaller scale for the pedestrian. This will also help the window hold the surface of the FACADE, rather than appearing like a “hole” in the wall (an effect produced by an over- large single sheet of glass).



SHOPFRONT window in Winooski

*The illustrations and statements of subsection B. Intent, are advisory only. Refer to the Code standards on the following page for the specific prescriptions of this section.*



Door with transom and sidelight windows



Multi-paned SHOPFRONT windows and glass doors (large panes)



SHOPFRONT window



Grouped windows



SHOPFRONT interior space intermingling with public realm



Grouped windows

## C. Materials

Only the following materials are permitted:

1. Window frame sashes shall be of anodized aluminum, wood, clad wood, vinyl, or steel.
2. Window glass shall be clear, with light transmission at the GROUND STORY at least 90 percent and for the upper stories at least 75 percent (modification as necessary to meet any applicable building and energy code requirements). Specialty windows (two per FACADE maximum) may utilize stained or opalescent glass, or glass BLOCK.
3. Window screens shall be black or gray.
4. Doors shall be of wood, clad wood, glass, or steel and may include glass panes.
5. Shutter materials shall be wood or clad wood.

## D. Configurations and Techniques

The following configurations and techniques are permitted:

### 1. All Windows:

- a. The horizontal dimension of the opening may not exceed the vertical dimension (*no more squat than square*) except for SHOPFRONT and other entry door transoms and where otherwise prescribed in this Code.
- b. Windows may be grouped horizontally if each grouping (maximum five per group) is separated by a MULLION, column, pier or wall section that is at least seven inches wide.
- c. Windows (not doors) may be no closer than 30 inches to BUILDING CORNERS (excluding BAY WINDOWS and SHOPFRONTS).
- d. Exterior shutters, if applied, shall be sized and mounted appropriately for the window (one-half the width), even if inoperable.
- e. The maximum dimensions for glass panes are 60" vertical by 36" horizontal.
- f. Window panes shall be recessed behind their FACADE surface a minimum of three inches, except for BAY WINDOWS and SHOPFRONTS.
- g. Snap-in MULLIONS and MUNTINS are permitted but not considered in any proportion calculation/ measurement.

### 2. Upper-Story Windows:

- a. Windows may be double-hung, single-hung, hopper, awning, or casement windows.
- b. Fixed windows are permitted only for office use buildings.
- c. Egress windows may be installed as required by the applicable building code.

### 3. Doors:

- a. Double-height entryways (those that span more than one STORY) shall not be permitted.
- b. UrbanGeneral and UrbanStorefront FACADE doors shall not be recessed more than three feet behind their FACADE/SHOPFRONT and, in any case, shall have a clear view and path to a 45-degree angle past the perpendicular from each side of the door into the STREET-SPACE.



## 607. Signage

### A. Applicability

Where clearly visible from the STREET-SPACE.

### B. Intent

Signs along commercial frontages should be clear, informative to the public and durable. Signs should be scaled and detailed for this mixed-use, pedestrian-oriented area and not for high speed automobile traffic. Signage that is glaring or too large creates distraction, intrudes into or lessens the urban experience, and creates visual clutter. The substitution clause in Section 4.15.C of the Regulations applies to the Gateway Districts as well.

*The illustrations and statements of subsection B. Intent, are advisory only. Refer to the Code standards on the following page for the specific prescriptions of this section.*



Neon sign, within the building envelope



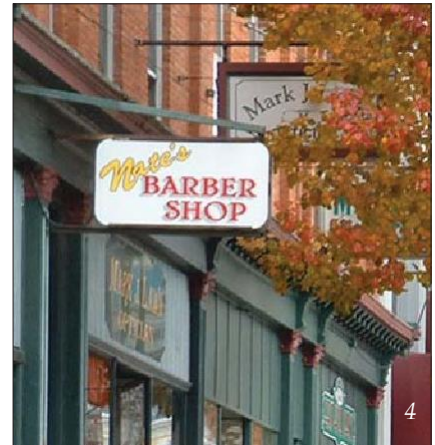
Window, blade, and awning signs



Parapet sign



Wall sign



Blade sign



Wall sign

## C. General Design and Materials

1. Wall signs are permitted within the area between the second STORY floor line and the FIRST FLOOR ceiling, within a horizontal band not to exceed three feet in height. In no case may this band be higher than 24 feet or lower than 12 feet above the adjacent sidewalk.
2. Letters may not exceed 24 inches in height or width and 2 inches in relief. Signs may not come closer than two feet to an adjacent common lot line.
3. Company logos may be placed within the horizontal sign band or placed or painted within GROUND STORY and SHOPFRONT windows.
4. A single masonry or bronze plaque bearing an owner's or building's name may be placed in the building's cornice/parapet wall or under the eaves, and above the upper STORY windows. Any such plaque shall be no larger than a rectangle of 18 square feet in size. Company logos or names in this position shall not be larger than a rectangle of eight square feet in size.
5. Blade signs and marquee signs are permitted. (Not more than two feet by three feet, vertical or horizontal with a minimum nine feet CLEAR HEIGHT above the sidewalk) may be hung within the permitted wall sign area, perpendicular to the REQUIRED BUILDING LINE or from a GROUND STORY overhang or awning.
6. Prohibited Signs: Billboards, free-standing pole signs, monument signs, any kind of animation, and roof signs are prohibited. No internally lit, flashing, traveling, animated, or intermittent lighting may be mounted on the exterior of any building whether such lighting is of temporary or long-term duration (they are allowed within the building behind the window glass, in the Urban General and Urban Storefront.) Portable or wheeled signs and advertising devices located outside any building shall not be permitted, pursuant to City regulations (excepting as provided in this Code for the DOORYARD area). Signs painted on FACADES are prohibited (excepting those existing prior to February 2015) but are permitted, subject to approval by the Zoning Administrator, on the other exterior walls (side, rear, and courtyard elevations).
7. Temporary Sandwich Boards - shall not exceed 12 square feet on each face. Signs may occupy the DOORYARD area only and shall not occupy the CLEAR SIDEWALK line, and must be removed when the business they advertise is closed.

## D. Awnings Overhangs

1. Awning overhangs shall have a minimum of ten feet CLEAR HEIGHT above the sidewalk and be minimum of five feet deep, measured from the FACADE. The maximum depth is to back-of-curb or the TREE LAWN edge, whichever is less.
2. Only the following materials are permitted: canvas or equivalent (no shiny or reflective materials), metal or glass.
3. Internal illumination through the awning or overhang is not permitted.
4. Lettering on awnings shall be limited to 6 inches in height on the outside edge/vertical face of the awning.
5. One-quarter cylinder configurations are not permitted.

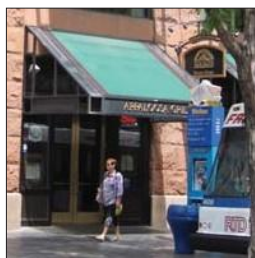
*The illustrations below are advisory only.*



Wall sign



Blade sign



Awning sign



Awning and wall signs



## 608. Lighting & Mechanical Equipment

### A. Applicability

District wide.

### B. Intent

Appropriate lighting is desirable for night-time visibility, crime deterrence, and decoration. However, lighting that is too bright or intense creates glare, hinders night vision, and creates light pollution. Every attempt should be made to preserve the ambiance of the night by applying the appropriate fixtures in the correct locations – pedestrian-scaled STREETLIGHTS should occur along all streets as per the City Street-lighting Regulation. “Cobra-head” highway-type fixtures should only occur at intersections when absolutely necessary. All materials and equipment chosen for lighting fixtures should be durable to age well without demanding maintenance requirements.

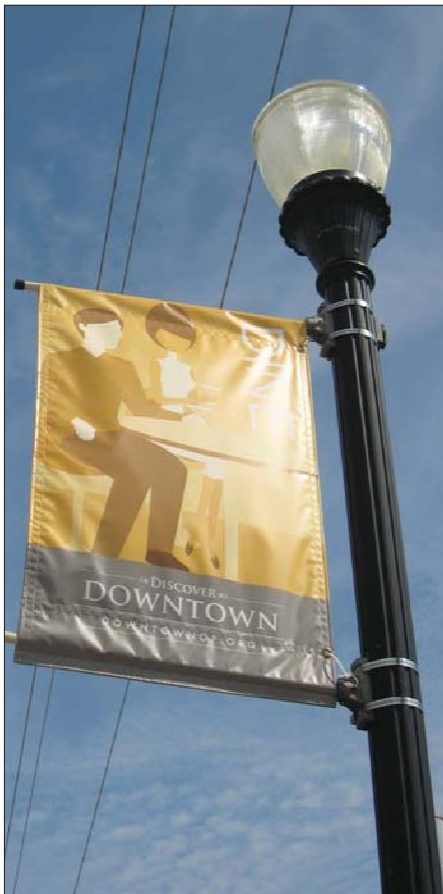
Mechanical equipment is generally any heating, ventilation, and air conditioning (HVAC) or electrical machinery but also includes air compressors, hoods, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and similar elements. These elements should not be located in any public areas, be visible from the street, or detract/interfere with the pedestrian space.

*The illustrations and statements of subsection B. Intent, are advisory only. Refer to the Code standards on the following page for the specific prescriptions of this section.*

*The illustrations below are examples of mechanical equipment arrangements that are only acceptable away from and/or not visible from a STREET-SPACE (e.g. within an COMMON DRIVE or hidden from view).*



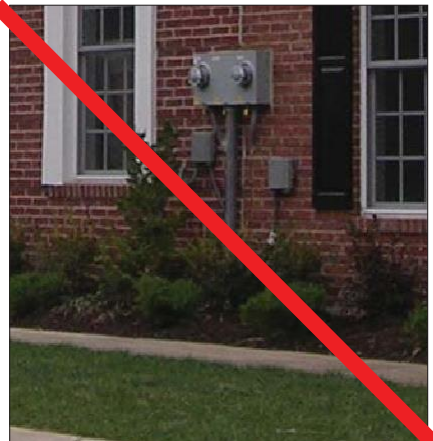
*Not permitted, visible from the STREET-SPACE*



*Street light with banner*



*Pedestrian-oriented street lights*



*Not permitted within the STREET-SPACE*



*Not permitted within the STREET-SPACE*

## C. Lighting

1. STREETLIGHTS and STREET TREE placement should be coordinated by the Department of Public Works. STREETLIGHTS should be located between 9 feet and 16 feet above grade with a maximum average spacing (per BLOCK FACE) of 70 feet on center on General Urban and General Storefront frontages, and 85 feet on Townhouse/ Small Apartment and Detached frontages along the STREET TREE alignment line on each side of the STREET-SPACE (unless otherwise indicated on the REGULATING PLAN). STREETLIGHT and STREET TREE placement should be coordinated and should sit no closer than 10 feet.
2. At the building FACADE, exterior lights (maximum 100-watt incandescent or equivalent lumens) shall be mounted between 8 feet and 12 feet above the adjacent sidewalk. These fixtures shall illuminate the DOORYARD and CLEAR SIDEWALK area, and shall be shielded or aimed in such a way that they do not direct light upward, or out of the Gateway District.
3. All lots with COMMON DRIVES shall have lighting fixtures within five feet of the COMMON DRIVE. These fixtures shall illuminate the COMMON DRIVE, be between 9 and 16 feet in height, and not cause glare in adjacent lots.
4. Lighting elements shall be specified to proscribe those that cast a clearly / perceptively unnatural spectrum of light (such as low pressure sodium). LED, metal halide, or halogen elements with a spectrum of light more perceptively "natural" are preferred. HID or fluorescent lights (excepting compact fluorescent bulbs that screw into standard sockets) shall not be used on the exterior of buildings. These standards may be updated by the Zoning Administrator as technologies advance and produce additional EQUIVALENT OR BETTER lighting elements.
5. Floodlights or directional lights (maximum 100-watt incandescent or equivalent) may be used to illuminate COMMON DRIVES, parking garages and working (maintenance) areas, but shall be shielded or aimed in such a way that they do not shine into other lots, the STREET-SPACE, or direct light out of the Gateway District.
6. Flood or uplighting may not be used to illuminate private building walls. Accent lighting may be permitted on civic use buildings or monuments, to highlight architectural features (such as church steeples or courthouse domes).
7. Site lighting shall be of a design, height and location so as to illuminate only the lot. An exterior lighting plan shall be approved as consistent with these standards by the Zoning Administrator.
8. Flashing, traveling, animated, or intermittent lighting shall not be mounted on the exterior of any building whether such lighting is of temporary or long-term duration.
9. Lighting for parking garages shall consider general Crime Prevention Through Environmental Design (CPTED) *intent*.
10. Temporary (per City regulations) Holiday Lighting is exempt from these regulations.

## D. Mechanical Equipment

1. The following shall be placed behind and away from any REQUIRED BUILDING LINE, may not be stored or located within any STREET-SPACE, and shall be screened from view from the STREET-SPACE: air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and similar equipment.
2. The following shall be screened from pedestrian-level view from the STREET-SPACE: air compressors, mechanical pumps, exterior water heaters, water softeners, garbage cans, storage tanks, and similar equipment.
3. Roof mounted equipment shall be placed behind and away from any REQUIRED BUILDING LINE and be screened from view from the STREET-SPACE.

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## **Part 7. Parking and Loading Standards**

### **701. Intent**

These Gateway District standards are intended to:

- A. Enable people to conveniently park and access a variety of commercial, residential, and civic enterprises in pedestrian friendly environments by encouraging shared parking.
- B. Reduce fragmented, uncoordinated, inefficient, reserved single-purpose parking.
- C. Avoid adverse parking impacts on neighborhoods adjacent to redevelopment areas.
- D. Maximize on-street parking.
- E. Provide flexibility for redevelopment of small sites and for the preservation of historic buildings.
- F. Increase visibility and accessibility of public parking.

### **702. Minimum Parking Requirements**

- A. See Section 4.12.C in the Regulations for minimum parking requirements.



## 703. Special Parking Standards

### A. Joint Parking

Sites abutting one another shall physically connect their surface parking areas at the lot line to create connecting drive aisles. This may be accomplished using COMMON DRIVES. Where such surface parking areas lie within 50 feet of one another, a mutual access easement acceptable to the Zoning Administrator shall be executed. Parking lot configurations in place prior to adoption of this Code are exempt from this requirement.

### B. Tandem Parking

1. Tandem parking is only allowed for:
  - a. Single-family residential projects; and
  - b. Multifamily projects and the residential component of mixed-use projects.
2. Two parking spaces in tandem shall have a combined minimum dimension of 9 feet in width by 34 feet in length.
3. Up to 75 percent of the total required off-street parking spaces provided may incorporate tandem parking.
4. Tandem spaces shall be assigned to the same dwelling unit. Tandem parking shall not be used to provide guest parking.

## 704. Surface Parking Lot Plantings for New Development

- A. The edge of any surface parking lot adjacent to a STREET-SPACE shall be planted with canopy shade trees suited to USDA Zone 4, placed at an average distance not to exceed 30 feet on center and aligned parallel three to seven feet behind the RBL/STREET WALL.
- B. ~~The~~ edge of any surface parking lot adjacent to residential (detached) lots shall comply with *Part 4, BUILDING FORM STANDARDS, D. Neighborhood Manners*.

## 705. Loading Facilities

- A. No loading facilities are required.
- B. Where loading facilities are provided, they shall be located to the rear and COMMON DRIVE side of buildings.

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# Part 8. Building Functions

## 801. General Provisions

### A. Permitted Uses

Permitted uses by building form standard frontage are shown in *Section 802*. The categories in the use table are listed in *Section 803*. In addition the uses under the COMMERCE category are listed in Table 2.4 of the Regulations.

### B. Use Determination

1. Administrator Responsibility: The Zoning Administrator is responsible for categorizing all uses. If a proposed use is not listed in a use category, but can be said to be reasonably similar in impact on the Gateway District to a listed use, the Zoning Administrator shall treat the proposed use as a permitted use under that category. If a proposed use is not listed in a use category, and is fundamentally different from any other listed use, the use shall be prohibited.
2. Uses Not Specifically Listed: When determining whether a proposed use is similar to a use listed in *Section 803*, the Zoning Administrator shall consider the following criteria:
  - a. The actual or projected characteristics of the proposed activity in relationship to the stated characteristics of each use.
  - b. Types of vehicles used and their parking and or loading requirements.
  - c. The likely impact on surrounding properties.
  - d. The intent of the Gateway District.

BUILDING FORM STANDARD (BFS)									
		Urban General		Urban Storefront		Townhouse/Small Apt		Detached	
USE CATEGORY		Ground Story	Upper Story	Ground Story	Upper Story	Ground Story	Upper Story	All Stories	Additional Regulations
RESIDENTIAL	Household Living	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Sec. 804.B.1-2
	Group Living		<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
COMMERCE	See Table 2.4 in the Regulations								Sec. 804
CIVIC	See Part 9. Definitions	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	Sec. 804.C.

Key: ☒= Permitted ☐= Additional Regulations Apply Blank Cell = Not Permitted

## 802. Use Table

This table identifies the uses allowed in the respective BFS (building form standard) frontages.

## 803. Use Categories

### A. Residential Use Categories

#### 1. Household Living

One-, two-, and three-family dwellings  
Multi-family dwellings  
Home Occupation  
Accessory Dwelling (subject to Section 5.1 of the Regulations)  
Detached Cottage (in an existing structure only as of date of adoption of this Code)

#### 2. Group Living

Assisted Living & Residential Care Homes  
Family Care Home  
Group Home

### B. Commerce Use Categories

1. These include RETAIL SALES and Service as referenced throughout the Code.
2. Refer to Table 2.4 in the Regulations.

### C. Civic Use Category

1. See *Part 9. Definitions: Civic Use*
2. College, community college, university
3. Museum, library, auditorium, arena
4. Places of worship including church, mosque, synagogue, temple
5. Police, fire, EMS station, substation
6. Public or private (K-12) school
7. Neighborhood arts center, Community Center or similar community facility (public)
8. Farmers Market
9. Transit Center



## 804. Development and Performance Standards

### A. General

1. All permitted uses shall meet the *Section 402. General Provisions* and those standards specified in the applicable individual building form standard pages.
2. No civic, or COMMERCE use is permitted above a residential use.
3. Businesses providing drive-up services shall not have a drive-through lane or service window that abuts or faces a STREET-SPACE.
4. No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building, and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
5. Communication antennas may be installed between 45 and 80 feet of the RBL on UG and US buildings that are at least 3 stories, provided that the antenna increases the structure height by no more than 20 feet, subject to receiving a Certificate of Conformity. Associated equipment may be permitted on the roof so long as it is screened from view in accordance with *Part 6. Architectural Standards*. Ground mounted equipment is subject to the performance standards outlined in *Part 6. Architectural Standards*.

### B. Residential

1. See the Urban General BFS for configuration requirements for GROUND STORY residential uses.
2. A lobby serving an upper STORY residential use is permitted on the GROUND STORY of an Urban Storefront site.
3. Residential uses are not permitted within the required minimum depth for the SHOPFRONT space in an Urban Storefront site.

### C. Civic

Buildings that house civic uses located on civic sites specifically designated on the REGULATING PLAN are not subject to *Part 4. BUILDING FORM STANDARDS*, or *Part 6. Architectural Standards*.

### D. Office

Office uses are permitted within the required minimum depth for the SHOPFRONT space in an Urban Storefront site.

### E. Lodging Establishment

1. GROUND STORY guest rooms shall meet the configuration standards for GROUND STORY residential uses as specified in the Urban General BFS.
2. A lobby serving an upper STORY lodging establishment is permitted on the GROUND STORY of any Urban Storefront site.
3. For detached frontages, only Bed & Breakfast types are permitted.

## **F. Restaurant/Bar, Retail Sales**

1. Outdoor eating areas for eating/ drinking establishments shall be allowed on the public sidewalk in Urban General and/ or Urban Storefront frontages, subject to:
  - a. the provision of a minimum clear width of five (5) feet within the clear walkway area; and
  - b. a joint use of R.O.W. agreement with the City.
2. An eating/ drinking establishment or retail use is permitted in the second STORY of a Urban Storefront or Urban General site provided it is an extension equal to or less than the area of the same GROUND STORY use.
3. The sale and consumption of cereal malt beverages and alcoholic liquor shall be subject to City and State liquor licensing requirements.
4. Clubs and drinking establishments are required to obtain a Conditional Use approval if the walls of the facility are within 100 feet of a residential zoned property which is not included in the Gateway District.
5. No merchandise (including motorcycles, scooters, and automotives) may be left within the streetspace when the business is not open.

## **G. Gas Station/Vehicle Repair**

A gas station may be permitted, subject to the following:

1. The subject property shall be located at least 200 feet from any lot on which a school, outdoor playground, library, or hospital is located;
2. The use shall not include the display and rental of cargo trailers, trucks, or similar uses;
3. The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited;
4. Repair service shall be completed within one week after the vehicle is left for service. Discarded parts resulting from any work shall be removed promptly from the premises. Automotive replacement parts and accessories shall be stored inside the main structure;
5. Upon the abandonment of a gas station, the use shall terminate and all structures exclusively used in the business (including underground storage tanks), except buildings, shall be removed by the owner of the property.

## **H. Affordable Housing for Bonus Provision (see 402.F.1)**

1. The units must remain affordable for at least 20 years.
2. Applicants must demonstrate that the housing costs will be affordable to occupants whose gross annual household income falls within 80 to 120% of the Area Median Household Income.
  - a. Applicants must provide the total annual cost of the housing as rent or expected mortgage payment with condominium association fees, and utilities.
  - b. Applicants must demonstrate that the housing costs will be no greater than 30% of 80 to 120% of the Area Median Household Income.
3. These affordability provisions shall be evidenced by deed restriction and recorded in the City Land Records. Draft documents must be submitted to the City with the Application for review.
4. An audit must be submitted to the City on a two year basis verifying that the units are being maintained in accordance with these provisions.
5. The Certificate of Occupancy will be contingent upon perpetual affordability as defined herein. The Zoning Administrator has the authority to revoke the Certificate of Occupancy for the affordable units if these affordability requirements are not adhered to.

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## Part 9. Definitions

### 901. Defined Terms

The following terms are defined for the purpose of this Code. Terms not defined here may be defined elsewhere in the City of Winooski Zoning Ordinance.

In such case, the definition contained in the Zoning Ordinance shall be used. Certain terms in this Code are used in very specific ways, often excluding some of the meanings of common usage. Where there is an apparent conflict or contradiction, the definition herein shall prevail.

**Accessory Unit.** A building or addition for living purposes that is not the primary structure or principal dwelling unit on a lot, that can be used as additional residential or home occupation space.

**Attic Story.** Habitable space situated within the structure of a pitched roof and above the uppermost STORY. **They** are permitted for all BFS sites and do not count against the maximum STORY height or ultimate height limits of their BFS.

**Balcony.** An exterior platform attached to the upper floors of the building FACADE (forward of the REQUIRED BUILDING LINE).

**Bay Window.** Generally, a U-shaped enclosure extending the interior space of the building outward of the FACADE/REQUIRED BUILDING LINE (along its STREET-SPACE side).

**Block.** An increment of land comprised of lots, COMMON DRIVES and tracts circumscribed and not traversed by streets (PEDESTRIAN PATHWAYS excepted). BLOCKS shall be measured at the REQUIRED BUILDING LINE (RBL).

**Block Corner.** The outside corner of a BLOCK at the intersection of any two STREET-SPACES (the RBLs). Inside corners, where the resulting angle formed by the BLOCK FACE is less than 180 degrees (concave) are not considered BLOCK CORNERS for the purposes of this Code.

**Block Face.** The outside/public side of the BLOCK, coincident with the RBL, between  
2  
BLOCK CORNERS.

**Bonus Story.** The full STORY permitted in exchange for the provision of a specifically defined public benefit, such as affordable housing, where an Urban General or Urban Storefront frontage property has been approved by the City as eligible.

**Buildable Area.** The area of the lot that building(s) may occupy, which includes the area of the lot behind the REQUIRED BUILDING LINE as designated by the building form standard and the REGULATING PLAN. The BUILDABLE sets the limits of the building footprint now and in the future – any additions shall be within the specified BUILDABLE.

**Building Corner.** The outside corner of a building where the primary building mass is within an angle less than 180 degrees. Inside corners, where the exterior space of the building mass forms an angle of more than 180 degrees are not considered BUILDING CORNERS for the purposes of this Code.

**Building Form Standards (BFS).** The part of this Code that establishes basic parameters regulating building form, including the envelope (in three dimensions), placement and certain permitted/required building elements, such as SHOPFRONTS, balconies, and STREET WALLS. The BUILDING FORM STANDARDS establish both the boundaries within which things may be done and specific things that must be done.

**Building Face.** See FACADE.

**Chamfered Corner.** A cut corner (beveled edge), generally at an even 45 degree angle. For purposes of the Gateway District, this refers to an allowance in the Building Form Standard for Urban General frontages to have such a 'cut corner' extending as far as 8ft away from a BLOCK CORNER.

**Civic Green or Square.** A public open space designated on the REGULATING PLAN. The term *SQUARE* is generally used to describe spaces that have more paved surface area. The term *CIVIC GREEN* is generally used to describe a formally configured small public lawn or park that is primarily unpaved. CIVIC GREENS and SQUARES do not include active recreation structures such as ballfields and courts. See *Part 5. Urban Space Standards* for the specific controls on SQUARES and CIVIC GREENS.

**Civic Use Building.** Those buildings that house strictly civic uses or historically and urbanistically significant structures designated on the REGULATING PLAN. Civic use buildings and publicly-owned public art are not subject to the building form standard prescriptions of this Code. See also Use, Civic.

**Clear Height.** Within a structure, the distance between the floor and ceiling. For entrances and other external building features, the unobstructed distance from the ground to the bottom of the lowest element above.

**Clear Sidewalk.** The portion of the sidewalk within a STREET-SPACE that shall remain clear of obstructions and allow public passage. The CLEAR SIDEWALK width is specified in the *Street Type Specifications*.

**Clearly Visible from the Street-Space.** Many requirements of this Code apply only where the subject is "CLEARLY VISIBLE FROM THE STREET-SPACE." (Note that the definition of STREET-SPACE includes SQUARES, CIVIC GREENS, PEDESTRIAN PATHWAYS, parks, and all public space except COMMON DRIVES and COMMON DRIVES.) A building element more than 40 feet from a REQUIRED BUILDING LINE or STREET-SPACE is by definition not CLEARLY VISIBLE FROM THE STREET-SPACE (such as elements facing a common lot line). Also, common or party walls are by definition *not* CLEARLY VISIBLE FROM THE STREET-SPACE. This does not exempt vehicle parking lots or parking structures from any building form standard requirements.

**Commerce.** See Use, COMMERCE.

**Common Drive.** The public right-of-way or easement for vehicles and pedestrians within a BLOCK that provides access to the rear or side of properties, vehicle parking (e.g., spaces and/or garages), utility meters, recycling containers, and garbage bins.

**Common Lot Lines.** Lot lines shared by adjacent private lots.

**Comparative Pedestrian Crossing.** The measured distance, shown on the *Street Type Specifications*, that a pedestrian would be within an automobile travel lane (or turning movement) while crossing a street. A crossing time is calculated based on a pedestrian speed of 3.7 feet per second (a generally accepted urban average). This distance/time is calculated to provide a relative gauge of pedestrian comfort level in crossing the street.

**Complete and Discrete Facade Composition.** The FACADE articulation that breaks down the apparent scale of a large building into smaller perceived pieces. The intent of such a FACADE composition is to provide 'human scale' for the STREET-SPACE. The objective requirements of the COMPLETE AND DISCRETE FACADE COMPOSITION section of the BUILDING FORM STANDARDS regulate and ensure such scalar break- down.

**Corner Lot.** A lot in which one side lot line is adjacent to a street or STREET-SPACE. Special building placement, fencing and landscape requirements may apply.

**Covered Sidewalk.** A roofed or built structure attached to the FACADE and extending beyond the REQUIRED BUILDING LINE and over the sidewalk or SQUARE, open to the STREET-SPACE except for supporting columns, piers, or arches. (See BUILDING FORM STANDARDS for complete specifications.)

**Detached Frontage Building.** Building form and functions resulting from/as determined by the Detached building form standard as indicated on the REGULATING PLAN.

**Dooryard.** The area within the STREET-SPACE between the FACADE of the building (generally the REQUIRED BUILDING LINE) and the clear walkway area of the sidewalk. The DOORYARD area is designated in the *Street Type Specifications*.

**Dormers.** Roofed ancillary structures with windows providing light and air to an ATTIC STORY.

**Eave Height.** EAVE HEIGHT shall be measured at the bottom of the top layer of roofing material at its outermost point from the building wall.

**English Basement.** A unit in a habitable floor level below the FIRST FLOOR in a townhouse configuration, that is partially above and below grade, with direct STREET-SPACE access. An ENGLISH BASEMENT unit is considered an ACCESSORY UNIT.

**Equivalent or Better.** A building material or construction technique that has been determined, by the Zoning Administrator, to be at least equal to, in appearance, durability, etc., or surpassing those expressly permitted herein.

**Facade (Building Face).** The building elevation facing the STREET-SPACE or REQUIRED BUILDING LINE. Building walls facing private interior courts, COMMON LOT LINES, and COMMON DRIVES are not FACADES.

**Facade Composition.** The arrangement and proportion of materials and building elements (windows, doors, columns, pilasters, bays, etc.) on a given FACADE.

**Fenestration.** Openings in the building wall, including windows and doors, allowing light and views between interior (private realm) and exterior (public realm) and/or street-space.

**First Floor.** See GROUND STORY.

**Front Porch.** The ground floor platform attached to the FACADE or REQUIRED BUILDING LINE side of the main building.

**Front Yard.** An open (unpaved) space required by certain BUILDING FORM STANDARDS extending across the entire width of the lot between the FACADE and the clear walkway. This area is contiguous with the STREET-SPACE, and includes any FRONT PORCH.



**Front Yard Fence.** The wood (picket), wrought iron fence, or masonry wall located along and surrounding the FRONT YARD. (For placement, height and gate specifications, see the BUILDING FORM STANDARDS.)

**Garage Entry.** An opening (with curb cut) in the building FACADE and/or STREET WALL where vehicles may enter into a parking structure in the BLOCK interior for general parking and business servicing.

**Garden Wall.** A wall defining a property line or delineating a private area. (For placement, height and gate specifications, see the BUILDING FORM STANDARDS.) A GARDEN WALL may serve as a FRONT YARD fence.

**Ground Story.** The first habitable level of a building at or above grade. The next STORY above the GROUND STORY is the second floor or STORY.

**Half Story.** Habitable space, with a limited footprint, that is situated above the uppermost full STORY.

**Lot Building Limit (LBL).** A line or plane indicated on the REGULATING PLAN that extends vertically beyond which no building shall be placed (unless otherwise specified in this code).

**Mezzanine.** An intermediate level between the GROUND STORY and the second STORY. It may be in the form of a platform, podium, or wide BALCONY, with uses limited to a continuation of the GROUND STORY uses.

**Mullion.** A vertical or horizontal element that forms a division between units of a window, or door. When dividing adjacent window units, its purpose is as a rigid support to the glazing (glass panes) of the window.

**Muntin.** A strip of wood, metal, or synthetic material separating and holding panes of glass in a window.

**Neighborhood Manners.** A set of rules in this Code designed to ensure a positive and complementary relationship between the new and more intense redevelopment under this Code and existing residential zoning districts abutting the Urban Storefront and/or Urban General frontages.

**Open Area.** See PRIVATE OPEN AREA.

**Parking Setback Line.** A line or plane indicated on the REGULATING PLAN which extends vertically up from the GROUND STORY floor level (unless otherwise noted on the REGULATING PLAN or BFS) and is generally parallel to the REQUIRED BUILDING LINE. The PARKING SETBACK LINE is a permissive minimum distance from the REQUIRED BUILDING LINE and parking may be placed anywhere within the lot behind this line, except where otherwise specified in this Code.

**Pedestrian Pathway.** An interconnecting paved way providing pedestrian and bicycle passage through BLOCKS running from a STREET-SPACE to another STREET-SPACE, an COMMON DRIVE or an interior BLOCK parking area. The area within a PEDESTRIAN PATHWAY shall be a public access easement or public right-of-way.

**Plaza.** See CIVIC GREEN.

**Privacy Fence.** An opaque fence made of wood or masonry (not chain link or any other type of rolled fence) along COMMON DRIVES, COMMON DRIVES, PEDESTRIAN PATHWAYS, and COMMON LOT LINES (where behind the REQUIRED BUILDING LINE). See the BUILDING FORM STANDARDS for height and placement specifications.

**Private Open Area.** An occupiable area within the BUILDABLE and generally behind the PARKING SETBACK LINE, accessible only to occupants of the particular building or site, and (primarily) open to the sky. Additional specifications for the PRIVATE OPEN AREA may be included in each building form standard. PRIVATE OPEN AREA shall not be built-upon, used to satisfy minimum stormwater Best Management Practice area (if thereby excluding active tenant use), parked or driven upon (except for emergency access).

**Regulating Plan.** The implementing site plan for the development of the Gateway District under this Code. REGULATING PLANS allocate the BUILDING FORM STANDARDS and street types and provide specific information for the disposition of each building site. The REGULATING PLAN also shows how each site relates to adjacent STREET-SPACES, the overall district, and the surrounding neighborhoods.

**Required Building Line (RBL).** A line or plane indicated on the REGULATING PLAN, defining the STREET FRONTAGE which extends vertically and generally parallel to the street, at which the building FACADE shall be placed. This is a requirement, not a permissive minimum. The minimum length and height of FACADE that is required at the RBL is shown on the appropriate building form standard.

Shown on the REGULATING PLAN as an absolute line, it incorporates an area (or depth) of 24 inches offset into the BUILDABLE for all BFS frontages except Detached. This is to allow for jogs, FACADE articulation, etc. For Detached frontages the RBL incorporates an offset area (or depth) of 10 feet.

**Sidewing.** The portion of a building extending along a common lot line toward the COMMON DRIVE or rear of the lot.

**Small Apartment Building.** See TOWNHOUSE/SMALL APARTMENT FRONTAGE BUILDING.

**Square.** See CIVIC GREEN.

**Stoop.** An entry platform on the FACADE of a building. (See the BUILDING FORM STANDARDS for specifications.)

**Shopfront.** That portion of the GROUND STORY FACADE intended for marketing or merchandising of COMMERCE uses and allowing visibility between the sidewalk and the interior space.

**Story (Story Height).** That space within a building and above grade that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling above. STORY height parameters are as specified by the appropriate building form standard.

**Street Frontage.** That portion of the lot or building that is coincident with the REQUIRED BUILDING LINE as required by this Code.

**Streetlight.** A luminaire installed on both sides of the STREET-SPACE, along the STREET TREE alignment line or median centerline, unless otherwise designated in this code, with the design criteria in the Gateway District giving equal weight to the lighting of the pedestrian areas and the automobile areas.

**Street-Space.** All space between fronting REQUIRED BUILDING LINES (streets, SQUARES, PLAZAS, PEDESTRIAN PATHWAYS, CIVIC GREENS, sidewalks, parks) – including any transit service operator passenger platform – but not garage entries or COMMON DRIVES.

**Street Tree.** A tree located in the STREET-SPACE (and required per this code) and listed in the *STREET TREE List* located in *Part 5. Urban Space Standards* that is of a proven hardy and drought tolerant species and large enough to form a canopy with sufficient clear trunk to allow traffic to pass under unimpeded.

**Street Tree Alignment Line.** A line along which STREET TREES shall be planted and STREETLIGHTS and other such infrastructure are to be placed. It is generally parallel with the STREET-SPACE and mid-way between the back-of-curb and the CLEAR SIDEWALK.

**Street Wall.** A masonry wall set on the REQUIRED BUILDING LINE which assists in the definition of the STREET-SPACE in the absence of a building. See the BUILDING FORM STANDARDS for height and gate specifications.

**Townhouse/Small Apartment Frontage Building.** Building form and functions resulting from/as determined by the Townhouse/SMALL APARTMENT BUILDING form standard indicated on the REGULATING PLAN.

**Tree Lawn (Tree Trench).** A continuous strip of soil area — typically covered with grass, other vegetation, bridging pavement, or sometimes porous pavers — located between the back of curb and the CLEAR SIDEWALK area, and used for planting STREET TREES and configured to foster healthy STREET TREE root systems. TREE LAWN dimensions are specified in the Street Type Specifications and in *Part 5. Urban Space Standards*.

**Ultimate Building Height.** A height limit for structures in the Gateway District, measured from the average fronting sidewalk elevation to the top of the FACADE wall plate.

**Urban General Frontage Building.** Building form and functions resulting from/as determined by the Urban General building form standard as indicated on the REGULATING PLAN.

**Urban Storefront Frontage Building.** Building form and functions resulting from/as determined by the Urban Storefront building form standard as indicated on the REGULATING PLAN.

**Use, Civic.** For the purpose of this Code, civic uses include: meeting halls; libraries; schools; police and fire stations; post offices (retail operations only, no primary distribution facilities); places of worship; museums; auditorium; arena; transit centers; community center; farmers market; government functions open for the public; and, other similar community uses. Public ownership alone does not constitute civic use.

**Use, Commerce.** For the purpose of this Code, COMMERCE uses shall be considered to encompass all of the permitted and conditional uses included under the "commercial uses" category in Table 2.4 of the Regulations, and all of the civic uses defined above, except transit centers.

**Use, Residential.** Residential uses shall be considered to encompass all of the uses listed in Section 803.A of this Code.

**Use, Retail.** Includes the following:

**Retail Service.** Establishments providing services, as opposed to products, to the general public, including restaurants, hotels and motels, finance, real estate and insurance, travel agencies, health and educational services, and galleries; as well as personal services as defined in the Regulations.

**Retail Sales.** Establishments wherein the primary use is the sale of merchandise for use or consumption by the immediate purchaser.

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## **Winooski Unified Land Use & Development Regulations**

### **Appendix C – Downtown Core Regulations**

The regulations for the Downtown Core are included exactly as they existed prior to the adoption of the Unified Land Use & Development Regulations, therefore the text includes references to sections of the Zoning Ordinance, that are now relocated in the Unified Land Use & Development Regulations. This list of references is intended to establish the correct references within the Unified Land Use & Development Regulations. All references to interim regulations predating the current final Unified Land Use & Development Regulations are historic.

1. Page 1 – “Article II: Definitions” is now “Article IX Definitions”
2. Page 2 – “Article III: Establishment of Districts...” is now “Article II Zoning Districts”
3. Page 2 – “Article V, Commercial, 5.300” is now “Article II, Section 2.11”
4. Page 2 – 5 – All sections 5.300 to 5.701 exist in this Appendix only and stand on their own.
5. Page 5 – “Article VII, Overlay Districts” – all overlay districts have been eliminated so this is a moot point.
6. Page 5 – “Article VIII, Section 8.200” is now “Article VI, Section 6.5”
7. Page 5 – “Article VIII, Section 8.400: Non-Conforming Uses and Structures” is now “Article IV, Section 4.9”
8. Page 6 – Article VIII, Section 8.100: Sign Regulations” is now “Article IV, Section 4.14”
9. Page 6 – “Article IX, Performance Standards, Parking”
  - a. 9.301 is “Off-Street Parking Allocation” is now Article IV, Section 4.12.C.1
  - b. 9.303.b, f and g is under “Other Off-Street Parking Requirements” – frontyard setback (now Article IV, Section 4.12.E.1), location (now Article IV, Section 4.12.C.2.c) and shared use (now Article IV, Section 4.12.C.2.a)
10. Page 7 – “Article IX, Performance Standards, Off-Street Loading Requirements” is now “Article IV, Section 4.12.F”
11. Page 7 - “Article IX, Performance Standards, Section 9.1600 Buffer Areas” is now “Article IV, Section 4.7.C.2”
12. Page 7 & 8 – “Article X, Admin & Enforcement, Section 11.201” is now “Article VI, Section 6.9”



**City of Winooski Planning Department**

27 West Allen Street  
Winooski, Vermont 05404  
(802) 655-6419

**CITY OF WINOOSKI  
NOTICE OF PUBLIC HEARING  
TO CHANGE THE PARKING REQUIREMENTS IN THE  
DOWNTOWN CORE DISTRICT**

NOTICE is hereby given that pursuant to 24 V.S.A. § 4415 the City Council of the City of Winooski will hold a public hearing concerning adoption of Interim Land Development Regulations. The public hearing will be held as part of the City Council meeting at the Winooski City Hall, 27 West Allen Street, Winooski, Vermont on June 6, 2011, commencing at 7 p.m.

The following information concerning the Winooski Interim Land Development Regulations proposed to be so adopted is supplied pursuant to 24 V.S.A. § 4444:

1. Statement of Purpose: The purpose of the Interim Land Development Regulations is to amend the Minimum Off-Street Parking Schedule.
- II. Geographic Area Affected: The geographic area affected is the "Downtown Core" as defined in the "City of Winooski Interim [now permanent] Land Development Regulations for Downtown Core District and To Allow as Permitted Uses High Density Residential Uses in Part of the Central Business District Under Existing Regulations", as adopted by the City Council on January 7, 2005, and shown as the hatched area on the plan entitled "City of Winooski Interim Land Development Regulations, Building Height and Location Map" attached thereto.
- III. Place Where Full Text May Be Examined: The full text of the proposed Regulations may be examined at the City Clerk's Office, City Hall, 27 West Allen Street, Winooski, Vermont.

James C. Trzepacz  
Planning Director

*Burlington Free Press* Legal Notice  
June 4, 2011





**City of Winooski Planning Department**

27 West Allen Street  
Winooski, Vermont 05404  
(802) 655-6419

**LEGAL NOTICE TO RUN ONE DAY, SATURDAY, JUNE 4, 2011**

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TO CHANGE THE PARKING REQUIREMENTS IN THE  
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James C. Trzepacz  
Planning Director

June 4, 2011

**TEAR SHEET REQUESTED --- BILL ABOVE ADDRESS**

**INTERIM LAND DEVELOPMENT REGULATIONS  
TO CHANGE THE  
MINIMUM OFF-STREET PARKING SCHEDULE IN THE  
DOWNTOWN CORE DISTRICT**

Whereas, the current Winooski Zoning Ordinance includes regulations entitled “City of Winooski Interim [now permanent] Land Development Regulations for Downtown Core District and To Allow as Permitted Uses High Density Residential Uses in Part of the Central Business District Under Existing Regulations”, as adopted by the City Council on January 7, 2005; and

WHEREAS the parking requirements for the Downtown Core District are set forth in Appendix II as the “Minimum Off-Street Parking Schedule”; and

WHEREAS the City Development Review Board and Planning Commission are currently reviewing proposed amendments to the current Winooski Zoning Ordinance; and

WHEREAS the City Council finds, based upon the experience of the Woolen Mill, Keen’s Crossing and other residential uses downtown, that the current requirements of the “Minimum Off-Street Parking Schedule” are not consistent with actual parking needs;

WHEREAS the City Council finds, based upon the City’s maintenance of parking spaces in the Parking Garage and on the streets for public use, that it is desirable to provide flexibility regarding the required customer and client parking for uses downtown;

NOW THEREFORE, pursuant to 24 V.S.A. § 4415, following a public hearing held on the 6<sup>th</sup> day of June, 2011, the City Council hereby adopts the following Interim Land Development Regulations:

1. Appendix II, the “Minimum Off-Street Parking Schedule” is changed as attached hereto (the changes being underlined).

_____	_____
_____	_____
_____	

**DOWNTOWN CORE DISTRICT APPENDIX II  
MINIMUM OFF-STREET PARKING SCHEDULE**

	Minimum Parking Requirements
Residential: General Residential > 100 units : Elderly :Student*	1.0/bedroom 1.3/unit 1.0/per unit 0.3/per bedroom
Commercial/Retail/ Restaurant	3.2/1,000sf**
Office	3.2/1,000sf**
Hotel/B&B	1.00/rm
Theater	100/screen
Municipal	3.2/1,000sf**

**ADJUSTMENTS FOR SHARED PARKING IN MUNICIPALLY CONTROLLED  
OR RELATED PARKING GARAGES\*\*\***

Use	Minimum Parking Requirements	x Daytime/ Weekday	x Week Night	x Weekend & Holiday
Residential: General Residential: >100 units : Elderly :Student*	1.0/per bedroom 1.3 per unit 1.0/per unit  0.3/per unit	x 0.60 =	x 1.00 =	x 1.00 =
Commercial/Retail/ Restaurant	3.2/1,000sf**	x 0.75 =	x 0.50 =	x 1.00 =
Office	3.2/1,000sf**	x 0.90 =	x 0.30 =	x 0.20 =
Hotel/B&B	1.00/rm	x 0.25 =	x 1.00 =	x 0.50 =
Theater	100/screen	x 0.25 =	x 1.00 =	x 1.00 =
Municipal	3.2/1,000sf**	x 0.90 =	x 0.30 =	x 0.20 =

\* Student residents in building attached to municipal parking garage only. Otherwise student housing same as general residential

\*\* Gross Square Feet

\*\*\* The minimum parking requirements for uses which are utilizing parking spaces in a municipally controlled or related parking garage may be adjusted for shared parking using the following adjustments. Prior to issuance of a zoning permit the applicant shall provide a calculation of the parking spaces allocated in the garage for each use and time period to demonstrate sufficient parking is available on the applicant's site or in the garage for the proposed use during the requisite time periods and that the applicant has a contract with the municipality for such parking in the garage. The minimum parking requirements may be reduced for customer or client (non-employee) parking upon approval of the Zoning Administrator to utilize municipal controlled parking (street or garage) reserved for public use.

**DCD INTERIM ZONING - WINOOSKI CITY COUNCIL - JUNE 6, 2011**

**CITY OF WINOOSKI**  
  
**AMENDMENT TO  
WINOOSKI ZONING ORDINANCE  
AND OFFICIAL ZONING MAP  
INCORPORATING THE INTERIM LAND REGULATIONS  
FOR THE DOWNTOWN CORE DISTRICT  
INTO THE PERMANENT ZONING REGULATIONS**

The purpose of the amendment is to incorporate interim zoning regulations pertaining to the Downtown Core District into the permanent zoning regulations. The ordinance affects land currently located in the downtown Winooski redevelopment area.

The Winooski Zoning Ordinance and Official Zoning Map effective December 28, 1981, as previously amended, shall be further amended as follows:

1. Add to ARTICLE II: DEFINITIONS, Section 2.000 GENERAL MEANING OF TERMS, NEW DEFINITIONS: "2.053 Building Height and Location Map.
2. Add to ARTICLE III, ESTABLISHMENT OF DISTRICTS, SECTION 3.000 LIST OF DISTRICTS, A NEW DISTRICT: "Downtown Core District, DCD"
3. Add to ARTICLE V, COMMERCIAL DISTRICT, A NEW SECTION 5.300
4. Add to Article VII, OVERLAY DISTRICTS, SECTION 7.000 OVERLAY DISTRICTS, at the end of the section: "The requirements imposed by the Planned Unit Development Districts, Overlay and the Design Review District, DRD, shall not apply to the Downtown Core District"
5. Add to ARTICLE VIII GENERAL PROVISIONS, SECTION 8.200 SITE PLAN, at the end of the sections: "The requirements for Site Plan review shall not apply to the Downtown Core Area District."
6. Add to ARTICLE VIII GENERAL PROVISIONS, SECTION 8.400 NON-CONFORMING USES AND NON COMPLYING STRUCTURES, a new section 8.408:  
Non-Complying Structures, Non-Conforming Uses in the Downtown Core District
7. Add to ARTICLE VIII GENERAL PROVISIONS, SECTION 8.100, SIGN REGULATIONS, SUBSECTION 9.1903 APPLICABILITY, a new section: "c. When a sign is to be located in the Downtown Core District, it shall be subject to the master sign policy established under the Master Plan and the requirements of Section 8.100 shall not apply"
8. Add to ARTICLE IX, PERFORMANCE STANDARDS, SECTION 9.300 PARKING STANDARDS, a new section: 9.304 Downtown Core District
9. Add to ARTICLE IX, PERFORMANCE STANDARDS, SECTION 9.400 OFF STREET LOADING REQUIREMENTS, at the end: "The requirements of this Section 9.400 shall not apply to the Downtown Core Area District."

10. Add to ARTICLE IX, PERFORMANCE STANDARDS, SECTION 9.1600 Buffer Areas, at the end:  
"The requirements of this Section 9.1600 shall not apply to the Downtown Core Area District."

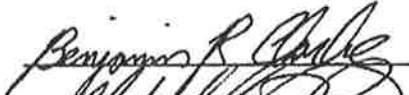

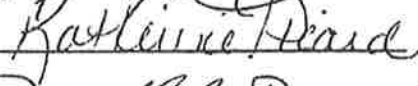


11. Add to ARTICLE X, ADMINISTRATION AND ENFORCEMENT, a new section: Section 11.201  
Zoning Permits in the Downtown Core District

11. Add to ARTICLE X, ADMINISTRATION AND ENFORCEMENT, a new section: Section 11.201  
Zoning Permits in the Downtown Core District involving Alcoholic Beverages

12. Add to ARTICLE XI, APPENDIX, a new section: DOWNTOWN CORE DISTRICT.

SO ORDAINED this 7 day of February, 2005.

ATTEST: \_\_\_\_\_  
Pauline K. Schmoll  
Winooski City Clerk

  
  
  
  
Winooski City Council  
  
Mayor, City of Winooski

CITY OF WINOOSKI  
AMENDMENT TO  
WINOOSKI ZONING ORDINANCE  
AND  
OFFICIAL ZONING MAP  
INCORPORATING THE INTERIM LAND REGULATIONS  
FOR THE  
DOWNTOWN CORE DISTRICT  
INTO THE PERMANENT ZONING REGULATIONS

Prepared for the  
Winooski City Council

**Planning Commission Hearing, January 3, 2005**  
**City Council Hearing, February 7, 2005**

The Winooski Zoning Ordinance and Official Zoning Map effective December 28, 1981, as previously amended, is hereby further amended as follows:

**1. Add to ARTICLE II: DEFINITIONS, Section 2.000 GENERAL MEANING OF TERMS, NEW DEFINITIONS:**

**"2.053 Building Height and Location Map.**

The Building Height and Location Map is attached to this Ordinance as Downtown Core District Appendix I. The locations of the areas designated on the Building Height and Location Map shall be determined by the distances designated on the Map; these shall be construed as distances measured from the edges of highway rights of way. If the designated distances are not applicable due to curving right of way lines or otherwise, or if the location of the Green Space Boundary shown on the Map is in question, the locations of the areas or location of the Green Space Boundary shall be determined from the scale of the official Building Height and Location Map in the Zoning Administrator's office."



## 2.54 Master Plan

The Master Plan for the Winooski Falls Riverfront Downtown Project which the City created with an intent to recreate a traditional urban environment in the downtown core and riverfront of the City, with a high density mix of uses, including offices, basic retail and services and a range of housing options. The Master Plan was approved by the State of Vermont District Environmental Commission in Land Use Permit 4C1065 (Revised) July 6, 2001 and Land Use Permit 4C1065-1 (Corrected) dated November 1, 2002, and which may be further revised by the City.

### **2. Add to ARTICLE III, ESTABLISHMENT OF DISTRICTS, SECTION 3.000 LIST OF DISTRICTS, A NEW DISTRICT:**

"Downtown Core District, DCD"

### **3. Add to ARTICLE V, COMMERCIAL DISTRICT, A NEW SECTION 5.300**

#### **5.300 Downtown Core District (DCD)**

##### **5.301 Intent**

The Downtown Core District is composed of the core of the City's downtown and has been the subject of a Master Plan which has been developed by the City over many years after extensive public input and hearings. The Master Plan was approved by the Development Review Board and the City Council and by the State of Vermont District Environmental Commission under "Act 250". The Master Plan permits a range of uses within pre-approved vertical and horizontal building envelopes as shown on the Building Height and Location Map. Approval of the exterior design details must be submitted by applicant, with the City as a co-applicant, and must be approved by the District Environmental Commission under Act 250 as complying with the approved Master Plan. The regulations associated with this district are intended to protect the public health, safety and welfare and to provide for orderly physical and economic growth by allowing and encouraging high density, mixed use land development within the downtown core, while recognizing the previously approved Master Plan and the requirement that further submissions to the District Environmental Commission under Act 250 must include the City as a co-applicant.

#### **5.302 Permitted Uses**

The following uses are permitted in the Downtown Core District, upon issuance of a Zoning Permit by the Zoning Administrator:

- 1) Accessory Uses
- 2) Banks without drive-in windows.
- 3) Child care facilities.
- 4) Community centers.
- 5) Dwellings, multi-unit.
- 6) Fitness centers.
- 7) Governmental offices.
- 8) Grocery stores, supermarkets, and pharmacies.
- 9) Hotels, motels, inns, and bed and breakfasts.
- 10) Job training centers.
- 11) Libraries, museums, art galleries, art centers.
- 12) Offices.
- 13) Outdoor parks.
- 14) Outdoor recreation.
- 15) Parking garages and outdoor parking.
- 16) Police stations.
- 17) Post offices.
- 18) Restaurants without drive-in windows, whose aggregate annual gross receipts from Alcoholic Beverages do not exceed forty percent (40%) of total annual restaurant, gross receipts.
- 19) Retail sales of goods and services, but excluding motor vehicle sales, repair, service, and washing, sales of gasoline, diesel fuel, and other petroleum products, auto body painting and repair, and building materials.
- 20) Schools and educational facilities.
- 21) Theaters and cinemas.

**5.303 Outdoor Use.** All permitted sales and servicing activities in the Downtown Core District shall be conducted inside buildings, except for customary accessory uses involving sidewalk sales of retail goods for periods of time not exceeding five (5) days per event; seasonal sales of retail goods within wholly open sided rooftop structures identified as Area "D" on the "Building Height and Location Map"; and seasonal outdoor restaurant uses.

#### **5.400 Dimensional, High Density and Building Location Requirements**

**5.401 Dimensional Requirements Only as Stated in 5.402- 5.700.** Except as set forth in Section 5.402 (Maximum Height), 5.500 Green Space Limitation, 5.600 (High Density Requirements) and Section 5.700 (Building Locations), there shall be no dimensional requirements in the Downtown Core District, including but not limited to lot size, lot frontage, lot depth, setbacks, or floor area ratios.

**5.402 Maximum Height.** Within the Downtown Core District, a person shall not commence any land development which would result in a building or structure exceeding the elevation or height above street grade level, as the case may be, designated on the "Building Height and Location Map" for the area where such building or structure is or will be located.

**5.403 Determination of Elevation.** Where elevation controls maximum height, the point shown on the "Building Height and Location Map" at the intersections of the centerlines of Main Street and East Allen Street, having an elevation of 190 feet, shall be used as the control point. If maximum elevation shown on the Map for an area exceeds the elevation at the control point, the difference shall be added to the 190-foot elevation at the control point, and a horizontal plane extended from the point so calculated shall establish maximum building or structure height for the area. If a maximum elevation shown on the Map for an area is less than the 190 foot elevation at the control point, the difference shall be subtracted from the 190 foot elevation at the control point, and a horizontal plane extended from the point so calculated shall establish maximum building or structure height for the area.

**5.404 Determination of Street Grade Level.** Where street grade level controls maximum building or structure height, and the street grade Level or levels fronting a building slopes, the highest grade level along the entirety of the building or structure frontage shall be used to determine the maximum building or structure height of the building.

**5.405 Measurement of Maximum Height.** Maximum building or structure height shall be determined by vertical measurement to the highest point of a building or structure, exclusive of the building components which are not to be included in measuring height, as listed on the Building Height and Location Map.

#### **5.500 Green Space Limitation.**

No building shall be constructed easterly of the line designated as the "Green Space Boundary" on the Building Height and Location Map, except to the extent the Master Plan is amended and such structures are consistent with such plans.

#### **5.600 High Density Requirements**

**5.601 Minimum Floor Requirements:** Within the Downtown Core District, except as provided in 5.602 (Parking Garages and Public Spaces), and 5.800 (Non-complying Structures) no building shall be constructed, enlarged, or used unless the construction or enlargement results in a building which contains at least three floors used for one or more uses permitted in Section 5.302, exclusive of cellars, basements, attics, and floors used for below street grade parking garages.

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5.602 Parking Garages and Public Spaces. The requirements of 5.601 shall not apply to buildings in the areas designated on the Building Height and Location Map as "Public Spaces", or to parking garages, but such requirements shall apply to any building area constructed over and/or connected to a parking garage.

#### **5.700 Building Locations**

5.701 Building Locations: All buildings within the Downtown Core District shall be located only in Areas "A" through "H" inclusive and in the Champlain Mill Building Area as shown on the Maximum Building Height and Location Map. Buildings and improvements may be located in, on or over the streets or other public areas and parks as shown on the Maximum Building Height and Location Map, provided they do not interfere with the passage of traffic.

#### **4. Add to Article VII, OVERLAY DISTRICTS, SECTION 7.000 OVERLAY DISTRICTS, at the end of the section:**

"The requirements imposed by the Planned Unit Development Districts, Overlay and the Design Review District, DRD, shall not apply to the Downtown Core District"

#### **5. Add to ARTICLE VIII GENERAL PROVISIONS, SECTION 8.200 SITE PLAN, at the end of the sections:**

"The requirements for Site Plan review shall not apply to the Downtown Core Area District."

#### **6. Add to ARTICLE VIII GENERAL PROVISIONS, SECTION 8.400 NON-CONFORMING USES AND NON COMPLYING STRUCTURES, a new section 8.408:**

##### **8.408 Non-Complying Structures, Non-Conforming Uses In the Downtown Core District**

Within the Downtown Core District, a non-complying structure or a non-conforming use shall not be enlarged or extended nor all or any part of a non-complying structure replaced if voluntarily demolished, unless the resulting building complies with the minimum floor requirements of 5.601.

**7. Add to ARTICLE VIII GENERAL PROVISIONS, SECTION 8.100, SIGN REGULATIONS, SUBSECTION 9.1903 APPLICABILITY, a new section:**

- "c. When a sign is to be located in the Downtown Core District, it shall be subject to the master sign policy established under the Master Plan and the requirements of Section 8.100 shall not apply"

**8. Add to ARTICLE IX, PERFORMANCE STANDARDS, SECTION 9.300 PARKING STANDARDS, a new section:**

**9.304 Downtown Core District**

In the Downtown Core District, Sections 9.301, 9.303 b, f and g shall not be applicable provided the following conditions are met:

**a. Minimum Off-Street Parking Requirements.**

The required quantity of parking for a proposed use shall be provided in accordance with the Minimum Off-Street Parking Schedule, Downtown Core District Appendix II to these regulations.

**b. Location of Parking.**

All parking spaces for uses in the Downtown Core District shall be located within the Downtown Core District, and shall either be located on the land where the use is occurring or the parking spaces shall be in a municipally owned or controlled parking facility, in which event, the applicant shall provide a written contract with the municipality which guarantees the continuous use of the required parking spaces for the particular uses(s) for the reasonable expected duration of the use(s).

**c. Changes or Expansion of Use.**

In the Downtown Core District, whenever there is an alteration or conversion of a building or a change or expansion of a use of a building, which increases the parking requirements, the total additional parking requirements for the alteration, conversion, change, or expansion shall be provided in accordance with the Minimum Off-Street Parking Schedule, Downtown Core District Appendix II to these regulations.

a. Non-Complying Structures.

Any building in the Downtown Core District which is a non-complying structure as to off-street parking requirements shall not be subject to the requirements of this Section 9.304 so long as the kind or extent of use is not changed, and provided further that the number of parking spaces legally required to serve at the time such uses were approved shall not in the future be reduced.

**9. Add to ARTICLE IX, PERFORMANCE STANDARDS, SECTION 9.400 OFF STREET LOADING REQUIREMENTS, at the end:**

"The requirements of this Section 9.400 shall not apply to the Downtown Core Area District."

**10. Add to ARTICLE IX, PERFORMANCE STANDARDS, SECTION 9.1600 Buffer Areas, at the end:**

"The requirements of this Section 9.1600 shall not apply to the Downtown Core Area District."

**11. Add to ARTICLE X, ADMINISTRATION AND ENFORCEMENT, a new section:**

Section 11.201      Zoning Permits in the Downtown Core District

An application for a zoning permit for land development in the Downtown Core District shall contain the following:

1. Plans and specifications for any proposed improvements to be made;
2. A narrative description of the proposed uses;
3. A certification of a registered architect or surveyor that the proposed improvements comply with the requirements of the Building Height and Location Map;
4. A narrative description of how the proposed uses and improvements comply with the Master Plan and with the applicable provisions of these regulations;
5. A copy of the approval by the State of Vermont District Environmental Commission of the improvements;
6. A certification, along with any required contracts, showing compliance with the parking requirements of Section 9.304;



Upon a determination that the proposed land development within the Downtown Core District meet the requirements of these regulations, the Zoning Administrator shall issue a zoning permit. No other permit, except a building permit, shall be required for land development in the Downtown Core District. Specifically, a proposed improvement, building or use in the Downtown Core District shall not require site plan, design review, or planned unit development approval under these regulations and no approval shall be required under the City of Winooski Subdivision Ordinance.

**12. Add to ARTICLE X, ADMINISTRATION AND ENFORCEMENT, a new section:**

**Section 11.201 Zoning Permits in the Downtown Core District Involving Alcoholic Beverages**

Any zoning permit issued and any certificate of occupancy issued under this Article X, for a use which includes the sale of "alcohol beverages" in the Downtown Core District, shall contain a condition requiring the certifications set forth below. In the event such condition is not so included or otherwise not a part of the permit or certificate of occupancy, such certification requirement shall apply in any event.

Annually, not later than April, the owner of restaurant business authorized under 5.302(18) shall file with the Zoning Administrator a certification by an independent certified public accounting firm that the aggregate gross receipts at the restaurant from Alcoholic Beverages did not exceed forty percent (40%) of total annual gross receipts at such restaurant during such person's period of ownership in the calendar year just ended. For purposes of this section:

"Alcoholic Beverages" means malt and vinous beverages and spirituous liquors sold pursuant to first and third class licenses issued under 7 V.S.A. Ch. 9.

"Annual" receipts means receipts from sales in a calendar year.

**12. ADD TO ARTICLE XI, APPENDIX, a new section:**

**11.600 DOWNTOWN CORE DISTRICT:**

**11.601** The boundaries of Downtown Core District are as follows:

- (a) Northerly Line: the centerline of East Allen Street
- (b) Easterly Line: a lined created by the following

- from the center line of the Winooski River follow the line marked "Green Space Boundary" as shown on the Building Height and Location Map generally northerly to the point where the line turns almost ninety degrees easterly; then
- turn westerly and connect the point to the most easterly point of Parcel "G" as shown on the Building Height and Location Map;
- then turn northerly and follow the easterly edge of Parcel "G" and then an extension of such line to the center line of East Allen Street;

- (c) Westerly Line: the centerline of Main Street between the centerline of East Allen Street and the centerline of the Winooski River.
- (d) Southerly Line: The centerline of the Winooski River between the District's easterly and westerly lines above described.

The Downtown Core District is generally shown on the Building Height and Location Map which is attached as Downtown Core District Appendix 1.

**11.602:** The Downtown Core District boundaries shall supersede any inconsistent boundaries of districts shown in the Section 11.000 Official Zoning Map, Section 11.100 Official PUD Overlay Zoning Map and Section 11.200 Official DRD Overlay Zoning Map.

**11.603:** Section 11.400 Table of Dimensional Requirements is amended to add at the end:

"Except as set forth in Section 5.402 (Maximum Height), 5.500 Green Space Limitation, 5.600 (High Density Requirements) and Section 5.700 (Building Locations), there shall be no dimensional requirements in the Downtown Core District, including but not limited to lot size, lot frontage, lot depth, setbacks, or floor area ratios."

**11.604:** Section 11.500 Design Review District Signs, Dimensional Requirements shall be inapplicable to the Downtown Core District.

**11.605.** Minimum Off-Street Parking Requirements

The required quantity of parking for a proposed use shall be provided in accordance with the Minimum Off-Street Parking Schedule, Downtown Core District Appendix II.

**DOWNTOWN CORE DISTRICT APPENDIX II  
MINIMUM OFF-STREET PARKING SCHEDULE**

	Minimum Parking Requirements
Residential: General : Elderly :Student*	1.0/per bedroom 1.0/per unit 0.3/per bedroom
Commercial/Retail/ Restaurant	3.2/1,000sf**
Office	3.2/1,000sf**
Hotel/B&B	1.00/rm
Theater	100/screen
Municipal	3.2/1,000sf**

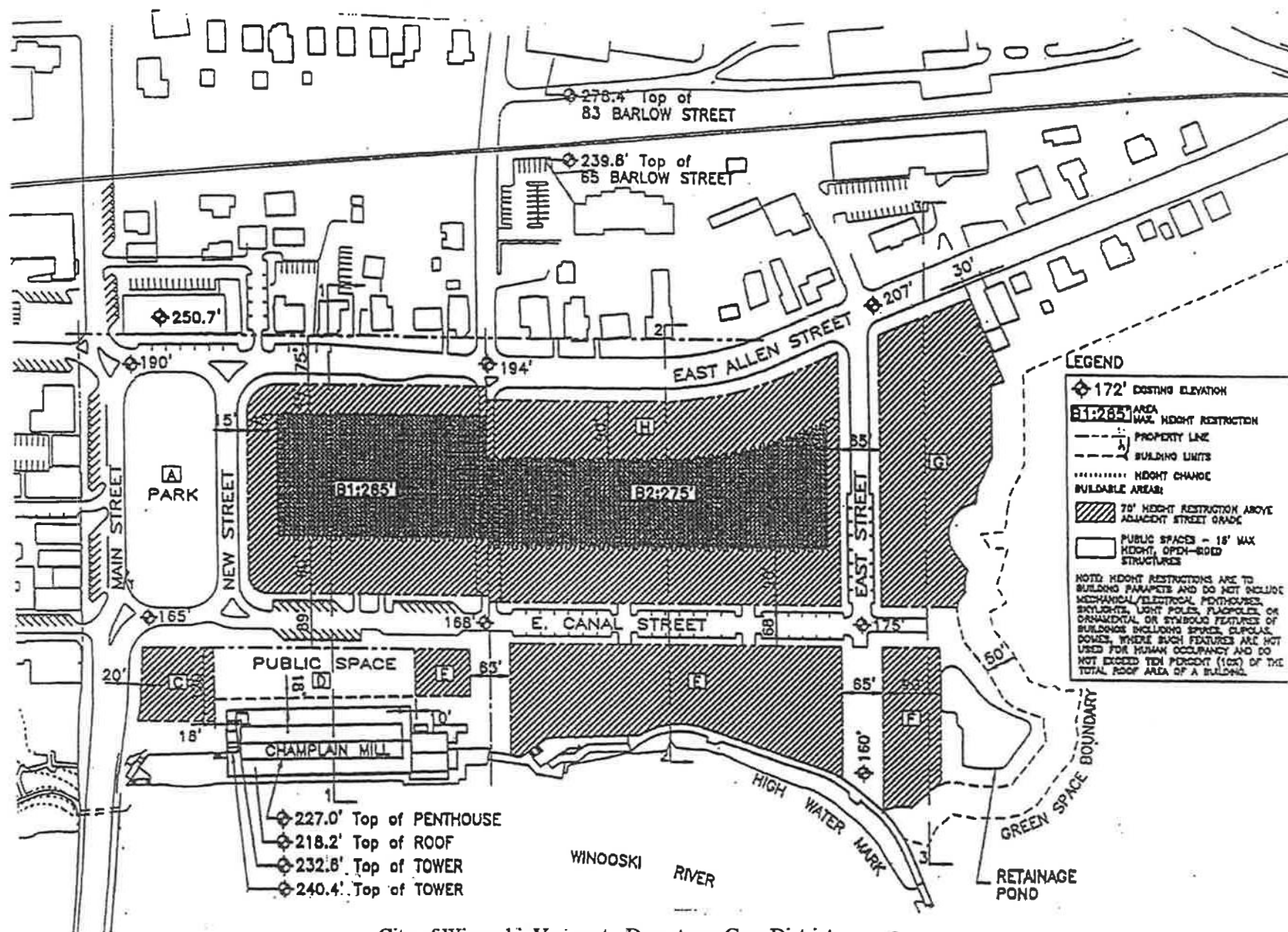
**ADJUSTMENTS FOR SHARED PARKING IN MUNICIPALLY CONTROLLED  
OR RELATED PARKING GARAGES\*\*\***

Use	Minimum Parking Requirements	x Daytime/ Weekday	x Week Night	x Weekend & Holiday
Residential: General : Elderly :Student*	1.0/per bedroom 1.0/per unit 0.3/per unit	x 0.60 =	x 1.00 =	x 1.00 =
Commercial/Retail/ Restaurant	3.2/1,000sf**	x 0.75 =	x 0.50 =	x 1.00 =
Office	3.2/1,000sf**	x 0.90 =	x 0.30 =	x 0.20 =
Hotel/B&B	1.00/rm	x 0.25 =	x 1.00 =	x 0.50 =
Theater	100/screen	x 0.25 =	x 1.00 =	x 1.00 =
Municipal	3.2/1,000sf**	x 0.90 =	x 0.30 =	x 0.20 =

\* Student residents in building attached to municipal parking garage only. Otherwise student housing same as general residential

\*\* Gross Square Feet

\*\*\* The minimum parking requirements for uses which are utilizing parking spaces in a municipally controlled or related parking garage may be adjusted for shared parking using the following adjustments. Prior to issuance of a zoning permit the applicant shall provide a calculation of the parking spaces allocated in the garage for each use and time period to demonstrate sufficient parking is available in the garage for the proposed use during the requisite time periods and that the applicant has a contract with the municipality for such parking.



City of Winooski, Vermont - Downtown Core District  
**BUILDING HEIGHT AND LOCATION MAP**